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THE

STATESMANSHIP OF WILLIAM H. SEWARD

As Seen in his Public Career prior to 1861

BY

ANDREW ESTREM

*A THESIS SUBMITTED AT CORNELL UNIVERSITY FOR THE DEGREE OF
DOCTOR OF PHILOSOPHY*

PRIVATE EDITION
1892

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PREFATORY NOTE

This brief study pretends to be neither a biography nor a history, but, in a measure, a combination of both. Such being the plan, the character of the execution must depend partly on the manner in which the necessary limitations have been observed. A somewhat close adherence to the title of the paper has made necessary the omission of much biographical detail that would have revealed some of Seward's traits in a most attractive light,—such as the gentleness of his domestic life, the strength of his personal friendships, his integrity, his religious temperament. These things are best learnt, however, through his letters as they appear in the biography written by his son, Frederick W. Seward. From a biographical point of view, it is evidently unsatisfactory to stop short in the account at the point at which the person under consideration entered upon what many will deem the most important part of his public career. But considered with reference to historic unity, such a proceeding stands, in this case, in need of no apology.

Acknowledgments are due to Professor Moses Coit Tyler, in whose historical seminary this paper was prepared.

A. E.

CRESO, IOWA, July 21, 1892.

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THE STATESMANSHIP OF WILLIAM H. SEWARD.

CHAPTER I.

EARLY POLITICAL AFFILIATIONS.

Near the close of the first quarter of this century, New York politics presented the spectacle of nominally one party with three or four more or less antagonistic subdivisions. In federal politics this was the "era of good feeling," but this feeling had evidently not taken possession of the New York politicians. Here the Bucktail faction fought against the Clintonian with all the bitterness of partisan warfare. Between these stood the remnant of the Federal party, no longer keeping up an independent organization, but still strong in the character of its chief men. The origin of the quarrel between the Clintonian and Bucktail branches of the Republican party dated from De Witt Clinton's election as governor in 1817. As the projector and chief advocate of the Erie canal, he encountered the opposition of many who thought his scheme extravagant and impracticable, and of many more, in the southern parts of the state, who regarded it as of only local importance. The opposition was led by Tammany Hall men, some of whom wore, on certain occasions, an ornament which secured for the opponents of Clinton the name they bore. Prominent among the Bucktails were such men as Daniel D. Tompkins, then vice-president, William L. Marcy, and Martin Van Buren. The latter was their acknowledged leader, though personally he was not opposed to the canal scheme. In a year or two, when Clinton's project had gained more approval, the Bucktails ceased their opposition to it altogether, but their hostility to Clinton was as bitter as ever. Nor need this occasion surprise. New York politics have always had in them something that baffles ordinary explanation. So far as one can

ascertain, the opposition was now continued on a personal basis. Clinton was accused of attempting to form about himself a personal party and of being in secret alliance with the Federalists. In 1819, it was thought a sufficiently serious charge to accuse him of favoring the re-election to the United States senate of the Federalist Rufus King. But the next year Van Buren and his friends came out strongly in favor of King's election.¹

In general ability, and especially in political shrewdness, the Bucktail party was superior to the Clintonian. Clinton himself, though able and patriotic, was somewhat cold in demeanor and liable to over-confidence. He had always been the child of power and a distributor of patronage. When some of his opponents proposed a convention to revise the constitution of the state, and among other things to abolish the obnoxious council of appointment, he at first opposed the plan, wishing to retain the council. The Bucktail party, having perceived the drift of public opinion, made efforts to have a convention called while they had the power to control it. In this they were successful. When the convention met in 1821, they had the greater number of delegates, among them Van Buren, who on this occasion did some of his most meritorious work. The councils of appointment and revision were abolished, the suffrage was extended, and many offices formerly appointive were made elective. When the new constitution went into effect in 1822, Clinton retired from office and his party practically dissolved. But a circumstance occurred in the beginning of 1824 which again brought him prominently before the people. By an ill-advised scheme of his opponents in the legislature, he was removed from the office of canal commissioner, which he had long filled with conspicuous ability. This aroused the indignation of the people, and he was again brought forward as a candidate for governor in 1824. The presidential question, complicated by the prominent appearance of four candidates—Adams, Jackson, Crawford, and Clay—was now distracting New York politicians, and a new party, the People's party—organized for the occasion and disappearing with it—came forward to add further diversity to the scene.

Such in brief was the political situation in New York when

¹ Hammond, *Hist. of Pol. Parties in N. Y.*, i. 514-516.

William Henry Seward began to take an active interest in public affairs. He was now a practicing young lawyer in Auburn, having been admitted to the bar in 1822. His early education had been obtained in Orange county, on the Hudson, where his father, an ardent believer in Jeffersonian democracy, had held several positions of public trust. Seward's college life had been spent at Union college, then under the presidency of Dr. Eliphalet Nott, distinguished as an educator, an inventor, and a divine. In him Seward had in his subsequent career always a valued adviser and friend. Although adopting the legal profession, Seward had early conceived a liking for questions of a political nature. His home training had tended to make him an admirer of Daniel D. Tompkins and an opponent of Clinton's scheme of internal improvements, but in the election of 1824 he cast his vote for De Witt Clinton and John Quincy Adams. This change was due to the maturing of his ideas respecting public policy. He thought that what the country now needed was "a policy which should strengthen its foundations, increase its numbers, develop its resources, and extend its dominion."¹ This statement may be regarded as the keynote of most of his subsequent endeavors. He saw the Republican party, both in state and nation, assume an attitude of hostility or indifference to internal improvements, and further, that it had its chief strength in the slaveholding states.² He therefore became an earnest supporter of the national administration of Adams and of the now forming National Republican party, whose chief spokesman was Henry Clay. In the state he lent his aid to the building up of the new organization around the nucleus of the Clintonian party, but the task was not an easy one. Although Clinton was elected in 1824, and again in 1826, the party was losing ground, partly because personal and local differences were scattering its forces, partly because the opposition was conducted with greater skill.

Up to this time, such political activity as Seward had put forth had been of little more than local significance. But in the year 1826 occurred an event which in the course of the next few years was to bring a new element of confusion into the politics of New York, and to a less extent also into national

¹ Seward, *Autobiography*, 54. ² *Ibid.*

politics. This event was the abduction of one William Morgan, of Batavia, New York, through the influence of freemasons, for his attempt to publish a book disclosing the secrets of their order. Morgan was never more seen, and as individual guilt could not be established, and as masonic influence seemed to be at work hampering the investigation, the masonic order was charged with his murder. The abduction of Morgan produced a strong feeling of excitement throughout western New York, soon extending itself also to other states, especially Pennsylvania, Massachusetts, and Vermont. To vindicate the majesty of the law as against certain criminals was at first the only object of the movement, but as is generally the case with moral impulses when sufficiently intensified, this idea soon sought a political embodiment. Secret societies were presently declared incompatible with the spirit of a free government, and it was agreed to vote against all candidates who were known to be freemasons. Only by force of circumstances did this programme later expand so as to embrace general principles of government.¹ In New York state the Anti-masonic party found such supporters as William H. Seward, Thurlow Weed, Francis Granger, and Millard Fillmore; elsewhere it gained the favor and the support of such men as John Quincy Adams, Richard Rush, William Wirt, and Thaddeus Stevens. Its first prominent appearance in politics was in 1828, when it presented a state ticket to the voters of New York. Seward had from the outset sympathized with the object of the movement, but, like some of his similarly disposed party associates, he at first showed unwillingness to bring the matter into politics,² and advised his Anti-masonic friends to remain in the National Republican party in order to effect, if possible, the re-election of Adams.³ Seward at this time acted, in local conventions, as a kind of mediator between the two parties, with a view to secure co-operation between them. But the plan did not work smoothly, more especially because the Anti-masons, in their strong devotion to one idea, wanted no candidates but their own.⁴ Yet of the two chief parties they opposed the Jackson party the more, because its leader was known to be a prominent mason.

¹ Hammond, ii. 385, 392. ² Weed, *Autobiography*, i. 300.

³ Seward, *Autobiography*, 71. ⁴ Hammond, ii. 387.

After the elections of 1828, which made Jackson president and Van Buren governor of New York, Seward began to take a leading part in the organization of Anti-masonry. He was present in county and state conventions, was a delegate to the national Anti-masonic convention of 1830, at Philadelphia, and to the Baltimore convention of 1831, by which William Wirt was nominated for president. The new party had now become, in some localities, the chief opposition to Jackson. Some hopes were entertained that the National Republicans would endorse Wirt as their candidate in 1832. But they would have none other than Clay, and Clay, though willing to have support from Anti-masons, declined to pose as their candidate. He thought the masonic question had nothing to do with politics.¹ In the national election of 1832, the Anti-masons suffered a decisive defeat—receiving the electoral votes of no state but Vermont. This marked the practical collapse of the party. In some of the states they had enjoyed, and still continued to enjoy, some successes. Such was the case in New York, where they sent many members to the legislature. It was by this party that Seward, in 1830, was elected to his first office, that of state senator.

The question may arise, Why was it that Seward, who had already given evidence of political talent, chose to identify himself with a party whose essential object was so politically insufficient, and so politically impracticable, as the abolition of a secret society? What at the outset influenced him more especially was, no doubt, his strong native sense of justice and regard for political equality, and the conviction that justice had been thwarted and political equality put in danger by the machinations of a secret oath-bound organization.² To this consideration must be added the fact of his residence near the center of the agitation, the intensity of which could not help affecting him in some degree. Another circumstance, of a similar nature, may be alluded to. Thurlow Weed, at this time a journalist in Rochester and soon afterward in Albany, became one of the most zealous advocates of the new movement. Between him and Seward a close personal and political

¹ Clay, *Works*, iv, 304. ² Cf. resolutions presented by Seward, in *Proceedings of U. S. Anti-masonic Convention, 1830*, 84.

friendship had begun to grow up—a fact that may have had some influence in causing young Seward to embark in the Anti-masonic craft. As to the party considerations involved, Seward speaks himself in his autobiography written at a later date: After the elections of 1828, he considered the National Republican party practically in ruins, and while he could not trust the Jackson-Van Buren party, he recognized the Anti-masons as representing principles and policy, state and national, similar to his own.¹ That the National Republican party was declining in power, is true enough, although it still was chief in opposition to the Jackson administration also in New York. But that the Anti-masons, as a party, represented any principles beyond their first-born, can scarcely be said of them prior to their seeking a national organization in 1830.²

It is curious, in this connection, to notice what opinions Seward expressed at the time in regard to the prospects of Anti-masonry. In the Philadelphia convention of 1830, as chairman of the committee to report on the then existing state of the movement in the United States, he gave it as his opinion that the day was not distant when New York would add to the glory achieved by her great works of internal improvement, that of emancipation from the thralldom of secret societies.³ In a speech made on the same occasion he held that the opposition to secret societies sprang from the people, and that "the question must be met and decided."⁴ In 1831, while a member of the state senate, he asserted, in speaking of the issue between Masonry and Anti-masonry, that, if there were intelligence among the people to see the dangers which threatened their liberty, there could be no doubt of the result of such a contest.⁵ But after the elections of 1832 and 1833 he admitted, as did the Anti-masons generally, that they had failed in their chief objects, and that their cause could not succeed politically.

If Seward's attaching himself to this party was a political mistake, the mistake consisted in his failure, at the time, to distinguish between the transient and the permanent in politics. In this case he showed more of the eagerness of the reformer than of the forecast of the politician. Neverthe-

¹ *Autobiography*, 74. ² *Hammond*, ii. 396. ³ *Proceedings*, etc., 70.

⁴ *Ibid.*, 121-23. ⁵ *Seward, Works*, iii. 348.

less, Seward was by nature well equipped for the work of political leadership. He was a firm believer in party government, and held that in a free state there could never be more than two permanent parties, with one or the other of which a citizen, once his choice was made, would necessarily act. With him party allegiance was a strong sentiment, at times perhaps too strong, yet not really prejudicial to independence of judgment. It is a singular fact, characteristic both of the times and of the man, that while he acted with no less than four political parties during his life, they were in each case parties which he had largely helped to organize. Nor need this imply inconsistency on his part; in some respects it was rather the parties that were inconsistent. What gave Seward his main influence as a party leader was his evident sincerity and loftiness of purpose. As a political speaker he had not the advantage of an imposing figure and a powerful voice, but he had a pleasing manner and an earnestness that sprang from strong convictions. His speeches appealed to the judgment, and seldom were of the impassioned type. Ambitious he no doubt was, as he himself admits, but his was no narrow ambition that seeks mere immediate ends. With the Van Buren school of politicians he had little sympathy, for while he had an eye for party expediency, the bent of his mind disinclined him to their methods as his conception of the public interest carried him beyond their ends. His political opponents he arraigned unsparingly, but without personal bitterness. To him it was enough to condemn measures and policies of which he disapproved. For the same reason he hardly ever chose to defend himself against personal attacks. He looked to the future for the vindication of his conduct, and therefore accepted political defeats, of which he had his share, with philosophical calmness. His bearing under such circumstances was in a measure due to an optimistic temperament and to an easy self-confidence.

But Seward was more than a politician, more than a manager of party; in the mercenary sense, he never was this. It was by services in the higher sphere of statesmanship that he established his fame. What the character of those services was, will appear from a survey of his official career, which took its beginning with his entrance on legislative life at Albany.

CHAPTER II.

IN THE NEW YORK SENATE.

When in January, 1831, Seward took his seat as one of the thirty-two senators of the Empire state, he was twenty-nine years of age, but his slender form and light complexion made him look younger. A contemporary writer thinks his election, though so young, due to two causes—his great personal popularity, and the improbability that a person nominated by the Anti-masons would be elected.¹ But he was not the only one so elected. There were six other Anti-masons in the senate, while in the lower house the number at present was thirty,² among them being Millard Fillmore, who likewise began his political career in the service of that first of our moral-idea parties. Of Seward's party associates in the senate the more prominent were Albert H. Tracy, who had served three terms in congress, and William H. Maynard, whom Seward describes as a man of unusually good parts. These three seem to have divided among themselves the leadership of their little band. The large majority of both branches of the legislature were Jacksonian democrats, or, as they were called by their opponents, "regency men," the affairs of the party being largely guided by the so-called "Albany regency." Against this body of managers Seward directed much of his early facility in political arraignment. By his party associates he was generally assigned the work of writing the annual address of the minority of the legislature to the people, a practice then in vogue. As party documents these addresses are not perhaps much above the average in general character, but always unexceptionable in style. At times Seward would charge too much against the "regency." Thus, in a political speech of 1824,³ he asserted

¹ Hammond, ii. 342. ² Cf. *Autobiography*, 80. ³ *Works*, iii. 335.

that the men who later constituted the "regency" were, in the convention of 1821, defeated in their efforts to retain the old council of appointment, whereas the facts show that the committee on appointments, of which Van Buren was chairman, submitted a report in favor of its abolition, which report was unanimously adopted.¹ It may, perhaps, be called Seward's good fortune that he began his career in a minority party. This early called out his resources in debate and helped to prepare him for that work of parliamentary opposition in which he was later to take so prominent a part.

His first recorded speech in the senate was one on the militia system, which he wished to see continued and reformed. It was a sensible, but not an elaborate effort, nor was the subject one of pressing importance. But it served to introduce the man to his new surroundings, and enable him to overcome his original embarrassment, which he pleasantly describes in his letters. Another of his early speeches, which reveals more of his political tendencies, was one on the election of mayor in New York city. Before 1821 the mayor had been appointed by the council of appointment, since then by the common council of the city, but a recent change in the charter necessitated a different mode of appointment. Various methods being proposed, among others that of vesting the appointment in the legislature, Seward offered an amendment that the mayor be elected by the people. This, he thought, would be the safest plan and the one most in keeping with the work of decentralization of power begun in the constitutional convention of 1821. The tendency of all our principles of government, he said, is to democracy.²

His chief speech in the state senate was one delivered in 1834, called forth by the political and financial conditions of the time, conditions of a national rather than of a state character.

President Jackson's hostility to the United States bank had shown itself as early as 1829, but it was not until his imperious nature was incited to battle by the plans of his opponents that this hostility became a passion. While Jackson as well as Clay had convictions on the subject, both were willing to

¹ *Proceedings of the Const. Conv. of 1821*, 296. ² *Works*, i, 10-13.

make the question serve, if possible, a political turn. Although the bank charter would not expire until 1836, the bank applied to congress for a renewal in the early part of 1832. Its cause was espoused by the anti-Jackson men, who, knowing that a majority favorable to a recharter could be secured in congress, pressed the matter with the evident view of embarrassing Jackson and dividing his party in the coming election. But Jackson was not embarrassed. He vetoed their bill, gained the election, and decided to have the deposits removed. As his secretary of the treasury would not perform the act of removal he was displaced by one who would. After October 1, 1833, no more deposits being made in the bank, its loans were largely curtailed. This caused great business depression and consequent excitement throughout the country. When congress met in December, the removal became the subject of prolonged and trenchant criticism. Against this act was directed the search-light and thunder of the highest oratory of the senate. On December 26, Clay made an elaborate speech, the main point of which was, that the president had exceeded his constitutional authority in ordering the removal.

A question of this character could not fail to arrest the attention of the state governments. Representatives in congress were favored with instructions to condemn or sanction the proceeding. In the New York legislature resolutions in support of the president's policy were introduced by the ruling party. When they came under consideration in the senate, Seward, in a speech of January 10, 1834, opposed them with much spirit and ability. As a piece of good debating this speech will compare favorably, at some points, with some of the speeches made on the same subject in congress. It is characterized by breadth of view and by picturesqueness of style. Speaking of the minute approval proposed of every step taken by the president in the bank controversy, Seward declared the resolution in question derogatory to the dignity of the legislature and prompted only by a servile attachment to Jackson. "And now," said he, "who is this Andrew Jackson that 'we must bend our knees if he but look on us?'" "Is he greater than the father of our country?" Yet Washington would have spurned the legislature of a free state that should have laid such resolutions at his

feet. The president's course could not be excused on the ground of extreme necessity, as congress had declared the deposits safe six months before, and would meet again in sixty days. As for a national bank, he deemed such an institution necessary to maintain a sound currency. But he should favor the renewal of the old charter only in case a limitation were put on the power to establish branches, and in case the capital of the bank were to be taxed equivalently to that of state banks. The removal of the deposits, in the manner effected, he characterized as unconstitutional. The treasury department was designated by the law creating it as a "department" only, while the other departments were called "executive." From the very nature of the constitution the treasury could not be an executive department. The revenues were under the management of congress; for convenience it had delegated part of its duty, but it could not constitutionally delegate this power to the executive. Discretion to remove the deposits was given to the secretary of the treasury, not to the president. The latter had usurped the discretion and duties of the former. The power of removal was not sufficient to justify the proceeding. If it were, the president might, on his own responsibility, exercise all executive functions and make himself a despot.¹

The main point of this contention—that the secretary of the treasury was the virtual agent of congress—had been elaborated by Clay in his speech of December 26,² already alluded to. Nor does Seward hesitate to avow his indebtedness.³ The point, however, is not a tenable one. Though some difference evidently exists between the relation which the treasury and the other administrative departments sustain to congress, still the fact remains that they occupy the same relation to the president, who may appoint and remove the secretaries for reasons which to him seem sufficient, and who exercises a general supervision over the whole executive department. But this supervision does not imply absolute control, for as to duties assigned to heads of departments by law, they are judicially responsible, the president's control extending only to matters within his legal and constitutional discretion.⁴ As the supervision of the

¹ *Works*, i. 18-27. ² *Clay, Works*, v. 598. ³ *Autobiography*, 151.

⁴ *Cf. Marbury vs. Madison*, 1 Cranch, 137.

deposits was by law vested in the secretary of the treasury, the president could not personally assume the responsibility for their removal. This he did not do in the final act, and, therefore, whatever may be thought of his proceeding otherwise, he was technically within the law.

In April, 1834, Seward had occasion to speak again on this general question, but with special reference to the effects of the removal of the deposits on New York. Governor Marcy had recommended a loan of \$6,000,000 of stock to aid the business interests of the state in overcoming the present depression. When a bill to this effect was brought before the senate, Seward opposed it as offering an inadequate remedy, and as tending to mere party advantage. He defended the course pursued by the United States bank, and gave it as his opinion that, as the removal of the deposits was the cause of the depression, the only effectual relief would be their restoration. This he prayed the legislature to advise. But it is improbable that such a step at this time, even if it had been politically possible, would have proved effective.

Of Seward's other work in the senate during his four year's term, there seems to be but scant record. From the journals of the senate it appears that he generally voted in favor of new commercial, banking, and railroad corporations, and of canals. In regard to railways his theory was, according to a later statement, that they were "simply public highways—to be constructed exclusively for the public welfare by the authority of the state, and subject to its immediate direction, as the canals of the state had been," but in this theory he had, he admits, "no following in any quarter."¹ He voted against raising the quite moderate salaries of the judges of the supreme court,² but spoke in favor of the abolition of imprisonment for debt, and in favor of various prison reforms. As to instructing members of congress, he thought this practice prejudicial to those states whose members were not instructed. All states had the same right to instruct: "Suppose all to exercise it, where would be the freedom, and what the value of debate?"³

When the nullification documents of South Carolina came before the senate, Seward as well as his colleagues voted with

¹ *Autobiography*, 94. ² *Sen. Journal*, 1833, 316. ³ *Works*, i, 16.

the majority in approval of Jackson's course and in condemnation of nullification as unauthorized by the constitution. But immediately afterward he introduced in succession three resolutions whose necessity at the time is not easily recognized. The first two declared, in substance, that congress ought to be governed by a strict construction of the powers of the national government, the third affirmed that the president, in his proclamation, had advanced the true principles upon which alone the constitution could be maintained and defended.¹ In remarks he made on the last resolution, he declared its purpose to have been a distinct endorsement of the principles announced by the president, whereas the former approval was in more general terms.² If this explanation be admitted as sufficient, the present pertinence of the first two resolutions—pointing as they did in the opposite direction—is still unexplained, unless it be assumed that in this series of resolutions Seward wished to express his regard for both state and national rights. But after all, he was not a strict constructionist. The attitude towards national questions which he had already assumed will have indicated as much. Though as a state executive he will sometimes be found inclined to a strict construction of federal powers, the general tendency of his political ideas was strongly national. He had, through political affinity, inherited many of the principles of the old Federalists, but in the modified form in which they appeared in the political character of John Quincy Adams.

From the foregoing account of his senatorial work, it is seen what was the early bent and scope of Seward's mind—a regard for the rights of the people, liberal views regarding governmental action, and a prevailing tendency to consider questions of national policy. It is for its suggestiveness rather than for its actual results that this work merits attention. It also helped to give Seward a prominence in the state which favored his promotion, a few years later, to a higher post.

¹ *Sen. Journal*, 1846, 158-159. ² *Biography*, i, 228.

CHAPTER III.

FIRST WHIG GOVERNOR OF NEW YORK.

When Seward entered the legislature in 1831, he was a member of a hopeful and aggressive minority party, but when his services terminated in 1834, his party had, as we have noticed, practically disappeared. Its natural ally in opposition to Jackson, the National Republican party, though still active, had also lost much of what coherence it had possessed. It had offended the South by its tariffs, roused distrust among the poorer classes by its espousing the cause of the "monster" bank, and diminished its force by minor internal dissensions. The Democrats, too, had been to some extent divided by Jackson's removal of the deposits and by his vigorous treatment of the South Carolina difficulty. Out of these various elements—prostrated Anti-masons, weakened National Republicans, and disaffected Democrats—arose the Whig party. Much the larger proportion of its members was contributed by the National Republicans, whose principles came to be the ruling ones at least in the northern branch of the new organization, but of these principles opposition to the party in power seems in practice to have been chief. It was in the spring of 1834 that the name Whig was first suggested as a party designation for all who opposed the Jackson administration, the name being intended to signify popular opposition to the "personal rule" of Jackson. One of the first successes of the party was gained in New York city.¹

It was but natural that Seward should attach himself to this party; to him it was in the main only a return to his party associations prior to 1830. For the Whig party was, after all, largely a continuation of the National Republican.

¹ *Biography*, i. 237; *Niles' Register*, xvi. 115.

With characteristic energy he aided in its organization in the state of New York and was already in 1834 nominated as its candidate for governor. A contemporary historian writes that "Seward, though a young man, had by this time acquired so high a reputation for his talents and political tact that . . . his selection as the Whig gubernatorial candidate was a matter of general consent."¹ But the Democratic press complained of him that he was an unknown man with "red hair, and a long nose." In the Whig campaign of this year appeared already some of the devices which later came to play such a part in that party's tactics. Liberty poles were raised, the opposition were called "Tories," and their national chief "King Andrew."² But the Whigs were defeated.

Seward now resumed his legal profession, meanwhile retaining his interest in politics, and making several political and literary addresses. This was a time when the building of railways and the extension of the canal system were leading topics of interest in the state. As was usual with him, Seward favored such enterprises and thought the general government had acted unwisely in abandoning the policy of internal improvement. He held that the legislature owed "a paternal care in this respect" to every region of the state.³

After the Whig victory in New York in 1837, in part due to the financial panic of that year, Seward began again to be prominently mentioned as the strongest Whig candidate for governor. He was nominated in 1838, and was elected by about 10,000 majority over governor Marcy, who was for the fourth time a candidate. This was the first time since the retirement of John Jay, in 1801, that the Democratic party of New York did not, in one or the other of its branches, elect the state executive. As in the previous year, the assembly had also a Whig majority. On January 1, 1839, Seward entered on another period of service at Albany, a service fraught with all the difficulties incident to the position of chief representative of a new party in power.

The four years of his governorship were filled with events and controversies of perhaps more than usual importance in state annals. But in the case of many of them, the importance

¹ Hammond, ii. 442. ² *Biography*, i. 237-240. ³ *Works*, iii. 319.

was naturally one that was confined to that day and generation. Of the subjects discussed by Seward in his annual messages, no one received so much attention as that of internal improvements. The project of enlarging the Erie canal had been entered upon in 1835; besides, several lateral canals had been decided on and begun. But in 1839 it was discovered that the expenses of the proposed works would be twice as large as had been provided for in the original estimates. This discovery, together with the local and political opposition which the canal policy had so often encountered, produced a strong disposition, in many quarters, to discontinue the public works. Against this Seward repeatedly advised, in view both of the immediate and the remote consequences. He recommended the legislature to push forward the work with moderation and economy. To abandon the system would have injurious effects, because "the industry of the citizen," he observes, "has been stimulated, and the wages of labor, the prices of the products of the earth, and the value of property, have been sustained by expenditures in the prosecution of this system."¹ But it was not on such temporary considerations that he based his main argument. He held that the principle of internal improvement rested on the obligation of the state to develop its resources and to promote the general prosperity,² and that the carrying out of this principle would encourage immigration and the settlement of new lands, augment national wealth, promote commerce, favor diffusion of knowledge, and strengthen the bonds of the Union.³ As to the means necessary for this purpose, he would not resort to taxation, but depend on the existing or anticipated revenues of the canals, and make these the basis of any loans that might be authorized.⁴ He referred approvingly to a report made in the assembly of 1839, in which it was maintained that the productiveness of the canals would warrant the state in expending \$4,000,000 annually for ten years in public improvements. But while favoring liberal state expenditure in this direction, he contended that "all appropriations for purposes of internal improvement ought to be made with a view and constant purpose to call into co-operation individual capital and enterprise."⁵ Still, where other agencies

¹ *Works*, ii, 235. ² *Ibid.*, 198. ³ *Ibid.*, 242. ⁴ *Ibid.*, 236. ⁵ *Ibid.*, 204, 205.

were not forthcoming the state should undertake the work. That all parts of the state might enjoy equal benefits, he urged the granting of aid to railroads where canals were impracticable.¹ Of railroads that received legislative aid during these years, the New York and Erie was the most important.

To facilitate the work of internal improvement, Seward repeatedly urged the legislature to express recommendations to congress that the proceeds of the public lands be distributed among the states. This was good Whig doctrine, and it seemed the more plausible now that many of the states were in great financial straits, the after-effects of the crisis of 1837 and of excessive expenditures in public improvements. Seward regarded such distribution as just and expedient—it would help the states to continue their works of improvement, and would tend to check the preponderance of the federal government; for he held that the power of the national executive had, during recent years, been unduly increased, to the detriment of the necessary independence of the states.² Speaking of the benefits the states would derive from the proposed distribution, he said New York was now "obliged to practice a cold and calculating charity." With this revenue schools, almshouses, and prisons would be amply provided for. Taxation would be lightened. "Who can object to a measure which would secure a very general exemption from the burdens of government?"³ On November 5, 1841 he wrote a letter to J. C. Spencer, then secretary of war in Tyler's cabinet, but previously secretary of state of New York, in which he suggested that the federal government, in view of the financial embarrassments of the states, should come to their relief by purchasing the perpetual right to use the state thoroughfares. Such aid to the states he considered both right and just; the Union and the states had the same interests, and the state debts had generally been incurred in promoting improvements and education, which constitute foundations of national prosperity. The power to grant such relief he based on the responsibilities of the federal government in regard to post-roads and the national defense, the state thoroughfares being indispensable to the discharge of these responsibilities.⁴

This suggestion, as well as the recommendation in regard

¹ *Works*, ii. 287. ² *Ibid.*, 228. ³ *Ibid.*, 292. ⁴ *Ibid.*, 608-609.

to the land proceeds, came to naught. But the legislature made liberal appropriations for internal improvements, for the interest in this subject was not confined to the chief executive. It was a time of bold enterprise and high expectations regarding the future of the state. In 1842, however, when the financial pressure in the state became greatest, its debt amounting to more than twenty-three millions of dollars,¹ a law was passed indefinitely suspending all the works of internal improvement. This measure originated with the Democrats in the legislature, who now had large majorities in both branches. Seward felt constrained, in view of the financial urgency and the decided stand taken by the legislature, to give his assent to the measure.² But in a subsequent message he recommended the rescinding of the law. It was not until several years later, however, that the prosecution of the public works was resumed.

We now know that the Erie canal enlargement, as well as some of the lateral canals, proved to be beneficial and profitable enterprises in the end, especially to the last generation. But it seems plain that Seward pushed the matter with too much devotion to the future benefits of the policy, without sufficiently reckoning with the financial and political situation of the time. The fact that the work was suspended during his incumbency tends to confirm this opinion. Furthermore, it is evident from the manner in which he advocated this policy that he held to a somewhat paternal theory of government; not that he lacked faith in the progress and in the self-sustaining capacity of the people, but he considered it the duty of the state to seek, by generous efforts, to quicken their progress, and more particularly to give them the means of becoming good citizens.

This leads to the consideration of another subject, which became the occasion of much political contention during Seward's administration, namely the public school question. The question of religious instruction in the common schools had begun to be a subject of discussion in 1838. John A. Dix, as secretary of state—the schools being then under the charge of that official—had advocated such instruction based on the Bible without note or comment.³ But the question soon assumed

¹ *Niles' Reg.*, lxiii, 374. ² *Ibid.*, lxii, 86. ³ Roberts, *New York*, ii, 555-56.

various other forms and became a perplexing one for several years. The Catholics, more especially those of New York city, felt prejudiced against the public schools as then administered and declined to make use of their advantages. As a result, thousands of the children of poor Catholic parents were growing up in ignorance.¹ The problem, as it presented itself to Seward's mind, was, how to make the public school system reach these classes, in the interest of good citizenship. In his annual message of 1840, he stated his position in the following manner: "The children of foreigners . . . are too often deprived of the advantages of our system of public education, in consequence of prejudices arising from difference of language or religion. It ought never to be forgotten that the public welfare is as deeply concerned in their education as in that of our own children. I do not hesitate, therefore, to recommend the establishment of schools in which they may be instructed by teachers speaking the same language with themselves and professing the same faith."² Elsewhere he expressed the belief that "no system of education could answer the ends of a republic but one which secures the education of all,"³ and that "knowledge taught by any sect is better than ignorance."⁴

The position taken by Seward on this question gave rise to much opposition. He was denounced not only by political opponents but by members of his own party. He was said to have recommended a division of the school funds between Catholics and Protestants, and was charged with a design to subvert the school system and undermine the Protestant religion. He was "sapping the foundations of liberty," and was "in league with the Pope." Many honest people who cared little about politics were alarmed lest the work of the Pilgrim fathers was to be undone.⁵ The popularity of the governor was diminished in consequence, his re-election in 1840 being by a largely reduced majority, caused chiefly by his attitude on the school question.

At this opposition Seward was surprised, having supposed this to be a policy in which all ⁴⁷Republican and Christian citizens would concur.⁶ He remarked that he had not recom-

¹ Bishop Hughes, *Works*, i, 79. ² *Works*, ii, 215. ³ *Biography*, i, 502.

⁴ *Works*, iii, 480. ⁵ *Cf. Biography*, i, 462. ⁶ *Ibid.*, 502.

mended, nor did he seek, "the education of any class in foreign languages, or in particular creeds," but observed, at the same time, that he indulged no apprehensions from the influence of any language or creed among an enlightened people.¹ He looked to "the great ends of the equal dissemination of knowledge, and the consequent improvement of society," and felt confident that his views would prevail in due time, in spite of prejudice.²

While this controversy was clouding the political horizon, especially from the Whig point of view, the Catholics of New York city, under the leadership of Bishop Hughes, were making efforts to secure their share of the school fund. They applied to the common council and subsequently to the legislature, praying for redress. Bishop Hughes delivered a large number of addresses on this question during 1840-41, in which he held that the school laws, as then administered, required a violation of their rights of conscience; that the schools were either irreligious or sectarian in the interest of Protestantism; and that the Catholics were reduced to the alternative of maintaining separate schools, in which case there was double taxation, or of suffering their children to go without an education.³ Meanwhile, J. C. Spencer, secretary of state, submitted a report wherein he admitted the justice of some of the complaints made against the Public School Society. He made it appear that the number of children not attending the public schools was more than twice as large in the city of New York as in all the remainder of the state, and recommended, in effect, that the district system prevailing elsewhere in the state be introduced into the city.⁴

In his annual message of 1842, Seward based his recommendations on this report, holding that the magnitude of the evil had not till then been fully known, nor its causes sufficiently understood. What had been supposed to be due to individual and occasional prejudices was discovered to be due to a permanent conscientious distrust of the education given in the public schools. This distrust was deepened by reason of the subversion of precious civil rights. The Public School Society

¹ *Works*, ii. 280. ² *Ibid.* iii. 480, 482. ³ Hughes, *Works*, i. 41, *et seq.*

⁴ *Biography*, i. 535-536.

was too much of an independent corporation, and, whatever the merits of its management, it had failed to gain broad confidence. He submitted, therefore, the expediency of vesting the control of the schools in a board of commissioners elected by the people, which board was to have charge of the school moneys. One of the questions involved, he observed, was whether parents had a right to be heard concerning the instruction and instructors of their children.¹

In behalf of the existing system it was urged, on the other hand, that the great body of citizens approved of it and desired no change, that the Public School Society was not a private corporation, its accounts being submitted to the legislature, and membership being open to all citizens who chose to pay a small amount; and furthermore, that in but few counties of the state was the condition of education better than in the city of New York.²

The legislative outcome of the controversy was the passage of an act in 1842 carrying out the suggestion as to a board of commissioners, and making the systems of the city and the rest of the state more nearly correspond. The measure was introduced and carried through the legislature by the Van Buren party, the Whigs lending it apparently no support.³

The adoption of this measure can not be said to have carried out to the full the original intentions of Seward. What those intentions were, as regards practical policy, is by no means unmistakably clear. His general purpose is sufficiently obvious. He desired to broaden the influence of education. But he evidently felt some concession to be necessary if those who considered themselves aggrieved in conscience were to be reached by the educational system of the state. That their grievance was well founded he neither asserted nor attempted to prove — to exclude for a moment the argument as to the school society. The concession was therefore to be, so far as the Catholics were concerned, an act of magnanimity. By the establishment of schools in which instruction might be made especially agreeable by reason of the language and faith of the instructors, it is most natural to suppose that he meant the em-

¹ *Works*, II, 506-509. ² *Id.*, synopsis of commissioners' report, N. Y. *Tribune*, Sept. 18, 1841. ³ *Niles' Register*, XLII, 112.

ployment by the state of schools in which such instruction was already provided. This once done, however, it is difficult to see how the line of distinction between public aid to secular and to religious education could be maintained. In so far, therefore, as his school policy will bear this interpretation, it properly failed of legislative approval.

The proposition to change the school management in New York city was a less radical one, and seems to have had no essential connection with the foregoing recommendation, except in so far as, favoring a more popular control, it tended to meet some of the objections urged. That the Catholics expected some relief from this proposition, is shown by the fact that they favored the school bill of 1842.¹ Still, their favorite plan, as we have seen, was of a different scope. Although Seward exchanged views with Bishop Hughes on the school question,² the assertion that he acted under Catholic influence is without proof. Whatever one may think of the advisability of his course, one cannot help commending the courage and personal disinterestedness with which he maintained it.

The discussion of the school question naturally brought up the question as to foreigners. The Whig party, as in a sense a continuation of the old Federal party, had never possessed, in a large measure, the confidence of the foreign element. But this was due to actual conditions quite as much as to past tradition. Relative to banks, tariffs and similar issues, the Whigs had, as a matter of choice or of party necessity, assumed the side of the well-to-do classes. This made them appear less friendly to the poorer classes of foreign descent. The membership of the party being thus somewhat restricted, its prejudices against foreigners were easily aroused. Such was the case on the present occasion. Seward's friendly attitude toward foreigners, as indicated by his school policy, appeared to many to be a yielding to un-American influences, and to proceed from a desire to gain political favor with citizens of foreign birth. A study of Seward's general political principles, however, does not confirm the existence of such a motive. These principles, as developed during this period, may be briefly stated as follows: To aid in the development of our

¹ *Niles' Register*, lxii, 412. ² *Cf. Works*, iii, 482.

resources, immigration was desirable; to attract immigration required easy naturalization laws, and the extension of equal privileges to the native and the foreign born; to make immigrants as well as others good members of the state, it was necessary to furnish them with education and the franchise.¹ Personal sympathies may at times have colored his opinions on the subject of foreigners. In speaking of the Irish, he says: "I think them more generous, liberal, and disinterested than most other classes of the community," and "less exacting of this government than any other portion of our population."² It may here be noticed that his mother was of Irish descent, and that he always expressed deep interest in the cause of Ireland. Seward's ambition touching this question seems to have been limited to a desire to promote the interests of his party, for he perceived that its prejudice against foreigners was narrowing the base on which it stood.³

The same liberal, and even charitable, spirit which characterized his administration in the foregoing respects marked also his treatment of the penal problem. He held that prison discipline ought to be tempered with kindness, the chief object of the penitentiary system being the reformation of offenders.⁴ As such reformation could seldom be expected without addressing the mind, he recommended that provision be made to instruct the convicts who could not read, and to furnish suitable books to those who could.⁵ An opposition paper, referring to this topic, jocosely remarked that, under Seward's administration, "going to prison was not so burdensome, since one could have good clothing, substantial food, exercise in the open air of the stone-quarry, and the volumes of Harper's Library for amusement."⁶

As the Whigs of New York had not, prior to 1839, tasted the sweets of office, they were now animated by the usual eagerness of a victorious party to lend their services to the state. Ten thousand applications were received for fifteen hundred offices, the governor's hall being, for a time, occupied by the eager throng from morning till midnight.⁷ As regards the dispensation of patronage, Seward took higher ground than had

¹ Cf. *Works*, ii. 198-199. ² *Ibid.* iii. 379. ³ *Ibid.* 388. ⁴ *Ibid.* ii. 270.

⁵ *Ibid.* 605. ⁶ *Biography*, i. 522. ⁷ *Ibid.* 515.

hitherto generally been held in the state, but he can not be said to have anticipated the later ideas of reform in the civil service. He considered a frequent change of public agents, while not essential to the welfare of the state, as an important factor in securing popular contentment and acquiescence.¹ In the making of appointments, he refused to pledge himself beforehand, in order that his judgment might be free to make the best selection when the exigency arose. When that arose, he professed himself to be governed by considerations of the aspirant's fitness, character, and availability,² and never to be controlled by interest, prejudice, or partiality.³ He made it a rule never to discuss, by correspondence, the pretensions of candidates for office.⁴ Yet he considered it a hardship to have to pass by so many generous and confiding friends without the privilege of making explanations.⁵ How far a candidate needed and deserved a place, seems also to have entered, to some extent, into the problem of selection. Recommendations of party committees or conventions were not allowed to have authoritative weight, since they would relieve the appointing power of his responsibility.⁶ Removals for partisan reasons were evidently made, and the vacancies filled by the appointment of Whigs.⁷ Partisanship, therefore, played its part, as was universally the case at the time. Within the limits of party, however, Seward's policy in regard to the civil service must be said to have been judicious.

¹ *Autobiography*, 76. ² *Biography*, i, 388. ³ *Ibid.*, 482. ⁴ *Ibid.*, 388.

⁵ *Ibid.*, 468. ⁶ *Works*, ii, 589. ⁷ *Biography*, i, 392.

CHAPTER IV.

FIRST WHIG GOVERNOR OF NEW YORK.

(Continued.)

Questions only of internal policy have thus far been considered. Usually a state government is not called upon to deal with others than these. But under our double government, a state has sometimes to meet issues presented to it by another state, and occasionally it becomes involved even in matters affecting foreign relations. Both of these contingencies happened during the administration of governor Seward.

During the Canadian troubles of 1837, an American steamboat, the *Caroline*, had been employed by sympathizers with the insurgents in transporting supplies across the Niagara river. A British expedition was sent out to capture the vessel. Although found on the American side of the river, the *Caroline* was seized and destroyed, an American losing his life during the fray. In 1840, one Alexander McLeod, being at the time in New York state, boasted of having taken part in the exploit. He was immediately arrested to await trial on the charge of arson.

The question of the *Caroline* had hitherto received no satisfactory adjustment. The United States government had demanded reparation, but the British government had avowed the act as its own, and justified it on the ground of self-defense. Thus the matter had rested until the arrest of McLeod. The British government now repeated its former avowal and demanded the immediate release of the prisoner.¹

In this matter Seward assumed the ground that, since the aggression had been committed within the jurisdiction of the state of New York, and since the case had entered her courts,

¹ Webster, Works, v. 119-127.

the question was purely one of judicial cognizance; if the avowal of responsibility by his government ought to acquit the prisoner, he would be acquitted for that cause alone, but the judicial proceedings would not be interrupted.¹ This led to some embarrassment in the relations of the state and national government in as much as the administration at Washington accepted the British avowal as sufficient to grant immunity to McLeod. They admitted that the question was now one of international law, but disclaimed authority to arrest proceedings in the courts of New York. If the indictment had been pending in a United States court, the president would, it was intimated, have directed a *nolle prosequi*,² and hope was expressed that the governor of New York would take that step.³ But Seward adhered to his purpose to leave the matter to the state courts. The embarrassment resulting from this conflict of authority was increased by the fact that a United States district attorney acted, in his unofficial capacity, but with the permission of the administration, as counsel for the prisoner. Against this Seward repeatedly protested as an aspect of affairs not calculated to challenge respect from Great Britain, and as manifesting a lack of proper regard for the rights and dignity of the state.⁴ The embarrassment was further increased by the firm insistence of the British government on its demand for the immediate release of the prisoner, and by the excitement prevailing in New York, due to the fear that he might escape his due reward. It was even rumored that plans were forming to bombard the prison wherein he was confined, with a view to the infliction of summary justice. In fact, the war cloud was already beginning to cast its shadow in the distance. Yet Seward maintained that the state could not without dishonor, especially under what must be construed as a menace by Great Britain, retire from the prosecution.⁵ But in an interview with an agent of the general government, he expressed his entire confidence that McLeod would be acquitted; if not, he would pardon him and thus avert the threatened war.⁶ Happily for the peace of the two countries, the prisoner was acquitted, his declaration

¹ *Works*, ii, 549, 557, 559. ² Webster, *Works*, vi, 262. ³ *Ibid.*, v, 133.

⁴ *Works*, ii, 558, 560-577. ⁵ *Ibid.*, 574.

⁶ Coleman, *Life of Crittenden*, i, 151.

of complicity in the affair proving to have no foundation. In this difficulty the more influential part of the state press sided with Webster, then secretary of state in Tyler's cabinet.¹

The McLeod case had placed Seward in a somewhat difficult position. He had the excitement of the people of his state to reckon with. He also felt obliged to maintain the independence of the state judiciary. On the other hand, on him quite as much as on the government at Washington depended, in this case, the contingency of a foreign war. From the larger political point of view, he insisted somewhat too rigidly on the technical rights of the state. The position taken by the British government should have placed the case beyond state jurisdiction. This was one of the few cases in which our political system has shown itself too complex for prompt dealing with foreign governments. The difficulty encountered in this particular instance was removed by a law passed in 1842.²

While the McLeod case was pending in the courts, Seward was engaged in another semi-diplomatic discussion. In 1839, a controversy arose with the state of Virginia. The governor of that state made a requisition on the governor of New York for the delivery of three colored seamen charged with the stealing of a negro slave. The stealing consisted in their having aided in the escape of the slave, who, however, was soon captured and returned to his master. Meanwhile the accused seamen were held in custody in the city of New York. On receiving this requisition Seward decided, in as much as the case was of a grave character and the proofs were somewhat defective, to give the matter further consideration. Before the issue between the two states had taken shape, the prisoners were, for want of sufficient testimony, released by the local authorities of New York. But Virginia insisted on her demand, holding the offence to be one "deeply affecting the general interests of the commonwealth."³ Seward now assumed the position that, even if the affidavit were sufficient in form and substance to charge the defendants with the crime in question according to the laws of Virginia, yet in his opinion the offence did not

¹ *Ct. Biography*, i, 553. ² *Ct. U. S. Statutes at Large*, v, 539.

³ *Works*, ii, 449-50, 467.

come within the meaning of the constitution of the United States. He held that the terms "treason, felony, or other crime," as used in the constitutional provision regarding the extradition of fugitives from justice, embraced only those offences which were recognized as crimes by the universal laws of all civilized countries; that slave-stealing was not a crime either in the common law or by the laws of New York; and that the surrender, therefore, of the supposed fugitives could not properly be made. He contended that the constitutional provision on this point was intended to establish, in the intercourse between the states, the principle of the law of nations, and held that the states were "sovereign and independent" within their spheres.¹ The acting governor of Virginia based his counterargument also on the principle of international law, but contended that the offence in question was none the less a crime. Here Seward clearly had the better of the argument, although his insistence on international law was somewhat irrelevant.

Soon the argumentative basis of the dispute was shifted on the part of Virginia. In 1840, Thomas W. Gilmer, governor of that state, renewed the correspondence, the Virginia legislature having meanwhile passed resolutions declaring the position assumed by the governor of New York to be a dangerous violation of the constitution, and urged the governor of Virginia to open correspondence on the subject with all the slaveholding states.² Gilmer maintained that the case must be considered strictly within the limits of the federal constitution, and argued that the clause treating of fugitives from justice was to be considered as ancillary to that concerning the recapture of fugitive slaves. This interdependence Seward could not admit, but he agreed to consider the question within the limits suggested. His conclusion, however, was the same. The meaning of the term "crime" in the constitution, he observed, must have some limitation; it could not include all offences which any state might designate as crimes; otherwise the legislation of a state might virtually extend beyond its own borders. The framers of the constitution naturally used the term in the sense in which it was understood in common law.³

¹ *Works*, II, 452-54, 456. ² *Ibid.*, 469. ³ *Ibid.*, 471-84.

Thus the discussion continued, extending through the greater part of Seward's two terms of office. The grievance felt by Virginia was much increased by a measure passed by the legislature of New York in May, 1840. This was an act extending trial by jury to persons claimed as fugitive slaves. Such a measure had been discussed in the state before this controversy arose,¹ but its passage was, perhaps, hastened by it. Virginia now resorted to retaliatory measures. When Seward had occasion to make requisition on the governor of that state for the surrender of a person charged with forgery, compliance was promised only in case the three fugitive sailors should be surrendered.² In this course, however, the governor was not supported by the house of delegates, a majority of whom, while considering New York in the wrong, regretted his decision as not comporting with the duty and the dignity of the state.³ The forger was shortly afterward delivered up, and New York was urged to respond by taking similar action in regard to the three fugitives. But Seward saw no reason for reversing his previous decision, holding the two cases to be essentially dissimilar. Meanwhile, the legislature of Virginia had passed an act to prevent the citizens of New York from carrying slaves out of that commonwealth, which act was to be suspended when New York should have repealed the trial-by-jury law and surrendered the three seamen. It prescribed a rigid inspection of New York vessels before leaving the harbors of Virginia, the owners of the vessels to bear the expense.⁴ This plainly involved a discrimination by one state against the commerce of another, and Seward could rightfully complain that the act was an attempt at the coercion of a sister-state. He announced that New York would neither yield nor retaliate, but that she could not discuss the original subject of controversy while Virginia maintained her aggressive attitude.⁵

In this contention with New York Virginia did not stand alone. She had the sympathy, and in some cases the support, of the other slaveholding states. Georgia, about the same time, made somewhat similar demands on New York and on Maine, which, however, were not complied with. South Carolina, al-

¹ *Works*, ii, 506. ² *Ibid.*, 390. ³ *Niles' Register*, ix, 55. ⁴ *Ibid.*

⁵ *Works*, ii, 503, 509.

ways alert in the defense of what she considered southern rights, passed a law similar to that of Virginia regarding intercourse with New York. Calhoun, in presenting in the federal senate the resolutions of South Carolina on this subject, chose the opportunity to descant on the dangers of abolitionism,¹ thereby showing in what light he viewed the policy of New York's governor. Nor was hostile criticism of Seward's course, and that of the legislature of his state, confined to the south. Many northern papers expressed their disapprobation. *Niles' Register*, for instance, spoke of the "injustice of the conduct of the authorities of New York, not only toward Virginia, but to the whole south."² In 1842, even the legislature of New York passed resolutions in disapproval of the position assumed by the governor. But Seward remained firm. Whatever of settlement the controversy had was morally in his favor.

In point of constitutional law, at least as it was subsequently interpreted, his argument was defective. Statutory crimes are as much within the provision relating to extradition as crimes existing at the common law. The laws of the state making the demand determine the question of crime, not the laws of the state on which the demand is made.³ But it may readily be admitted that in this particular case the dictates of justice made extradition less imperative. Incidental to the controversy was the New York extension of the trial by jury. Here too, as it turned out, Virginia had more of the technical right on her side. By a decision of the supreme court, rendered in 1842, state legislation on the subject of fugitive slaves was declared unconstitutional, jurisdiction in the matter belonging exclusively to the national government.⁴ This decision appeared to Seward to contain "startling doctrines," while justice Story, who delivered the opinion, considered it "a triumph of freedom."⁵

Noticeable in this controversy is the stress laid by Seward on the rights of the states, within their own limits, whereas Virginia, to secure protection to slave property, insisted largely on the obligations of the national compact. Noticeable also, is

¹ *Cong. Globe*, 2d sess., 27th Cong., 243. ² *Niles' Register*, ix, 55.

³ *Kentucky vs. Dennison*, 24 How., 66, 69. ⁴ *Prigg vs. Pennsylvania*, 16 Pet., 539. ⁵ *Biography*, i, 595; W. W. Story, *Life of Story*, ii, 392.

his close adherence to the question of law, with only incidental reference to the moral side of the case. The rigid moralist John Quincy Adams, while strongly approving Seward's course, could not help criticising him for "tameless of tone" as compared with the "insolence" of Virginia.¹ An episode though it be in our national history, this controversy between two representative states formed also one of the many points in the conflict between slavery and freedom.

¹ J. Q. Adams, *Memoirs*, x. 401.

CHAPTER V.

EARLY ANTI-SLAVERY IDEAS.

On retiring from his executive duties, at the close of the year 1842, Seward resumed the practice of law. His public career he regarded as closed. He had declined a second re-nomination with a view to avert party discord, for he felt that his principles were too liberal, too philanthropic for his party.¹ In this he was no doubt right, if his principles are to be judged by the opposition they encountered. But he had shown courage and ability in maintaining them, and this atoned in the eyes of the masses for his occasional offending against their accepted ideas of political prudence. His hold on the Whig party in the state was really stronger than ever; it needed only time to soften the asperities of political feeling. This Seward well knew, for he understood the art of holding one's self in reserve. His name was now known beyond the borders of the state; his official contact with the general government and with another state had already given him something of a national reputation. With his political temperament, he could not but continue his interest in public affairs. Although he declared himself satisfied with the measure of public confidence and of political success which he had enjoyed, it was but natural that his eyes should be turned toward the future. While busily engaged in his legal profession, he took and gave counsel on political matters, both state and national. For his party associates had confidence in his political sagacity, and in this confidence he himself shared. During the period just reviewed, he seemed at times to pride himself of his being in advance of public opinion, and often expressed his assurance of the vindication of the future. This trait in his character—a generous self-

¹ *Biography*, i. 547.

appreciation—will find a fuller justification in that period of his life in which he came to deal with the larger and profounder questions of national concern. Of such questions, the one to which his maturer life was chiefly to be dedicated was that of slavery.

At this time—during the administration of Tyler—the slavery question had not yet become the dominant one in party politics. But it was a question that had long given tone and trend to the politics of the south, the influence of which was plainly to be discerned in the administration of the national government. After the enactment of the Missouri compromise in 1820, the slavery question had apparently dropped out of politics for a time, but the slaveholders' sense of insecurity had not been appeased nor the awakening conscience of the north put at rest. The mind of the north was but slowly and, at first, sporadically aroused, while the political self-interest of the south was constantly active. Hence the long-continued inequality between the sections on the slavery issue. The establishment of Garrison's *Liberator*, in 1831, and the organization of the American Anti-Slavery Society, in 1833, were evidences of the northern awakening. The south now took alarm, and made bold to interfere with a time-honored custom of Anglo-Saxon freedom—the right of petition. Against this interference, and the cause which prompted it, John Quincy Adams stood up boldly in congress, but as yet he was almost single-handed in the combat. The general northern feeling was opposed to agitation. The abolitionists were therefore condemned by both north and south—by one section as misguided individuals disturbing the general peace, by the other as hot-headed incendiaries endangering the Union. But time and development favored the cause of the north. The south felt, therefore, the need of surrounding itself with further safeguards. Chief among these was always the acquisition of new southern territory, for, if adroitly managed, such a scheme would appeal also to northern ambition and patriotism. The annexation of Texas, which had long been desired by the south, finally became a party question with the southern Democrats in the presidential campaign of 1844. The Whigs, however, ignored the question in their platform.

It was at this point that Seward first came into direct contact with the slavery question. Before proceeding to speak of his present position, it seems well, for the sake of completeness of view, to take a glance at some of his earlier expressions on the same subject.

Seward had spent his early boyhood in a home where a few slaves were kept as domestic servants, this being a common practice with well-to-do families in New York in the early part of the century. But the ignorance and vice of the black people of the neighborhood led him to suspect that something was wrong, and determined him, as he tells us, "at that early age, to be an abolitionist."¹ It is curious to notice that one of his earliest expressions on the subject seems to countenance the idea that the national government had the power to work out gradual emancipation. In a patriotic address delivered in 1825, he remarked, in arguing the permanence of the Union, that "the north will not willingly give up the power they now have in the national councils, of gradually completing a work in which, whether united or separate, from proximity of territory, we shall ever be interested—the emancipation of slaves."² In the summer of 1835 Seward travelled in Virginia and was there much impressed by what he saw of the effects of slavery. Roads were bad, towns unthrifty, and a general lack of enterprise noticeable, while at the same time the people seemed unconscious of the cause of their backwardness, and unaware that other parts of the country were enjoying greater prosperity.³ In the same year Seward wrote to a friend touching the attempts then being made to suppress anti-slavery publications: "I think those err, who suppose that the efforts of the north to extirpate abolitionism will tranquilize the South."⁴ This remark pointed to a better understanding of the slavery question than was then usual with the average politician. Still the evils of slavery seem not to have claimed much of Seward's attention during the next few years. In 1838, the American Anti-Slavery Society resolved that abolitionists should inquire into the sentiments of candidates for office. Such inquiries were directed to Seward when a candidate for governor. His answers, while conveying

¹ *Autobiography*, 28. ² *Works*, iii, 195. ³ *Biography*, i, 268.

⁴ *Ibid.*, 293.

the idea of opposition to slavery, were marked by something of the politician's evasiveness.¹ They were not satisfactory to many of the abolitionists, Gerrit Smith being one of the dissatisfied.² But Seward's firmness in the Virginia controversy convinced them that he was on their side, if not one of their number. He then took occasion to assert his belief that a human being could not, by the force of any constitution or laws, be converted into a chattel or a thing. He did not think that the national constitution was intended to have such a meaning.³

But Seward differed even from the moderate abolitionists—in motive somewhat, in method more. The abolitionists generally placed the opposition to slavery on grounds of philanthropy, on the grounds of the inhumanity and injustice done to the negro race. While Seward was by no means insensible to these considerations, he was influenced chiefly by solicitude for the welfare of the white race and the prosperity of the country.⁴ He preferred to base the argument for abolishing slavery largely on the grounds of the evils resulting to the whole country from the maintenance in the south of a system of compulsory labor. This argument, he thought, would constantly gain strength and favor, while the moral question would encounter prejudices, the growth of centuries.⁵ As to the methods to be employed, he believed in the progress and effectiveness of the Whig party, holding separate political action to be a waste of effort. He held, moreover, that to leave that party because it was not sufficiently anti-slavery in tone was to diminish the prospects of its improvement. For his own part, he felt persuaded that, by remaining a Whig, his influence would extend to a larger number of those who stood in need of knowing the truth.⁶ For these reasons, as well as from a feeling of loyalty to his party, he declined offers, made to him in the summer of 1843, of the Liberty party's nomination for president.⁷

Now came the campaign of 1844, with Polk, favoring immediate annexation of Texas, as the Democratic candidate, and

¹ *Works*, iii. 426-432. ² Wilson, *Rise and Fall of Slave Power*, i. 408.

³ *Works*, ii. 508. ⁴ *Ibid.* iii. 435. ⁵ *Biography*, i. 595.

⁶ *Ibid.* 706-707. ⁷ *Ibid.* 676.

Clay, who declared himself opposed to immediate annexation, as the candidate of the Whigs. Other questions entered into the canvass, but with earnest opponents of slavery the Texas scheme was the center of interest. Seward took an active part in the campaign, his aid being sought in different parts of the country, for it was felt that he, above all others, would be influential in persuading restless anti-slavery Whigs to remain in the party.¹ His influence was cast in favor of Clay also after the publication of the "Alabama letter" in which the latter admitted that, under certain circumstances, he would be glad to see annexation accomplished.² For Seward held that Clay's election was the only alternative, and that if annexation were only prevented during his term, it would be time enough to take precautions for the future.³ His support of Clay was sincere but not enthusiastic. The force and importance of his utterances during the canvass consisted in the parts bearing on the question of slavery and on his own relation to it.

While Seward opposed the annexation of Texas, he was not on general grounds averse to the idea of territorial expansion. Quite otherwise. With him it was an article of political faith, often adverted to, that the country's destiny was to expand both north and south, provided it could be done without injury to the nation.⁴ But the annexation of Texas would not be beneficial expansion; it would lead to war with Mexico, would extend slavery and endanger the integrity of the Union. To increase the slaveholding power was to subvert the constitution, was to give a preponderance to that power which might be followed by demands to which the free states could not yield, and the refusal of which would be made the ground of secession and disunion.⁵ Here he made a prediction that found its fulfillment in subsequent events. If Texas had not been annexed, and the resulting events had not taken place, it is safe to say that the demands of the slave power would have been less radical during the following decade.

During this period Seward sometimes spoke of the constitution as being perverted in the interest of the slave power, at other times he evidently felt impatient under its concessions

¹ *Biography*, i. 717. ² *Niles' Register*, lxvi. 439. ³ *Works*, iii. 274.

⁴ *Cf. Works*, iii. 273. ⁵ *Ibid.*, 253.

to slavery. Thus, in referring to the three-fifths ratio, he observed: "This principle of slave representation is the Corinthian pillar of the constitution. Its base is sunk deep, and serpents hiss among the leaves that entwine its capital." He considered an aristocracy of wealth as unjust, and especially so if the wealth consisted in human beings, "yet such," said he, "is the aristocracy of the federal constitution."¹ In arguing, a few years later, the unconstitutionality of the fugitive slave act of 1793, partly because it interdicted hospitality to the fugitive, he affirmed that congress had "no power to interdict *any duty* enjoined by God on Mount Sinai, or inculcated by his Son, on the Mount of Olives."² This was assuming ground which lay close to the borderland of abolitionism. But he took heed to advocate none but constitutional methods, holding that the abolition of slavery was to be accomplished by political argument and suffrage, and by the constitutional action of all the public authorities. That slavery would eventually disappear was his firm conviction. The laws of political economy and the tendencies of population were hastening emancipation, and all attempts to prevent it would prove futile. The attempt of the slaveholders to widen their territory had made slavery a national concern. It could now no longer be said that the north had nothing to do with it. Slavery was now on trial before the people, and must go down. That Henry Clay was not in the vanguard of emancipation was occasion for regret, but the Whig party might be trusted to prove faithful to the cause: if it should prove false in the hour of trial, it would be time enough to look elsewhere for more effective agency.³

Such in the main was the position taken by Seward in the campaign of 1844. The adverse result of the election did not affect his views. He advised friends in the Liberty party to employ moderation, and not to associate the ideas of abolition and disunion. The American people, he said, would lend no countenance to any other than lawful and constitutional means, nor were such means narrowly restricted. The admission of more slave states was to be resisted, slavery in the District of Columbia could be abolished, and amendments to the constitution might be initiated.⁴ He should remain with his party,

¹ *Works*, iii. 250, 251. ² *Ibid.* i. 513. ³ *Ibid.* iii. 270-274. ⁴ *Ibid.* 442.

but remarked at the same time: "I am for emancipation and against slavery, whether my party go with me and live, or go against it and fall."¹

In national politics events were transpiring rapidly. Texas was annexed, war with Mexico ensued, the American arms were successful, and more territory was acquired. What to do with this new territory as regards the question of slavery immediately became an object of anxious concern in and out of congress. The northern hostility to further slavery extension had grown stronger by reason of the late events, for the self-seeking of the slave power was now revealed in a stronger light. When the presidential canvass of 1848 began, the territorial question was therefore really the one of most pressing importance, but the politicians of both the leading parties hesitated to face the issue. Each party had in it a slave element and a free element, both of which it was thought wise to conciliate. The Democrats nominated a northern man, Lewis Cass, on a platform which was silent on the territorial question, while the Whigs, dispensing with a platform, nominated a general who had won his distinction in a war of which they had generally disapproved, who himself was a large slave-owner, and who, though a sensible and honest man, had only "crude impressions about matters of policy."² Out of elements of dissent in both parties, but chiefly in the Democratic, arose the Free-soil party. It disclaimed any right to interfere with slavery in the states, but boldly declared itself against its extension into new territory.

In this state of affairs, what course was Seward as a practical anti-slavery man to pursue? Well might he have felt some dissatisfaction with the action of his party.³ But he soon announced himself strongly in favor of the election of Zachary Taylor. In strict consistency with his anti-slavery creed, his place should have been with the Free-soilers. Party loyalty, however, and a regard for the highest attainable rather than the highest abstract good, influenced him to support the warrior candidate. He admitted the lukewarmness of the Whig party, "but," said he, "it is still the truest and most faithful of the two parties, and one or the other of them must prevail."⁴ He

¹ Schuckers, *Life of Chase*, 72, n. ² Taylor to Allison, *N. Y. Tribune*, May 3, 1848. ³ *Biography*, ii, 70, 71. ⁴ *Works*, iii, 300.

considered the shortcoming of his party due to the inert conscience of the American people, but he seemed to overlook the fact that the aroused conscience could find but little comfort in a party that timidly ignored all issues for the sake of gaining what would seem like a victory. Apparently Seward did not at this time believe that a new party would arise expressly to deal with the slavery question. Said he to Whigs who desired to form a new and better party: "You will not succeed, in any degree, neither now nor hereafter, because it is impossible. Society is divided, classified already."¹ Here he showed less than his usual forecast. The explanation—aside from campaign assertiveness—is to be sought not in a lack of power to grasp the importance of the slavery problem, but in a too strong faith in the stability and effectiveness of a long-established party, somewhat confirmed, perhaps, by his early experience in the Anti-masonic venture. It must be conceded for the Whigs, however, that, as regarded the near future, their success was the only chance there was for freedom in the territories, and it was this future Seward had now chiefly in mind. Still he did not restrict himself to a consideration of the immediate future. In his speech at Cleveland, notable among campaign speeches for practical tendency combined with loftiness of tone, he took ground which placed him far in advance of his party. He here announced a principle which came to be an important guide in his later career, namely that the first duty of American citizens was to preserve the integrity of the Union.² Though the public conscience was yet inert, he held that much could be done. "Slavery," said he, "can be limited to its present bounds, it can be ameliorated, it can be and must be abolished, and you and I can and must do it." "Wherein do the strength and security of slavery lie? You answer that they lie in the constitution of the United States, and in the constitutions and laws of all slaveholding states. Not at all. They lie in the erroneous sentiment of the American people." "Inculcate, then, the love of freedom and the equal rights of man, under the paternal roof; . . . reform your code—extend a cordial welcome to the fugitive who lays his weary limbs at your door, and defend him as you would your paternal gods; correct your own error,

¹ *Works*, iii, 294. ² *Ibid.* 293.

that slavery has any constitutional guaranty which may not be released, and ought not to be relinquished." "Inculcate that . . . executive authority can forbear to favor slavery; that Congress can debate; that Congress at least can mediate with the slaveholding states, that at least future generations might be bought and given up to freedom, . . . Do all this and inculcate all this in the spirit of moderation and benevolence, and not of retaliation and fanaticism, . . . Whenever the public mind shall will the abolition of slavery, the way will open for it."¹ Thus pleaded Seward with anti-slavery Whigs, and his plea contains some of the most advanced opinions he ever expressed on the relation of the slavery question to national politics.

The presidential election of 1848 resulted in the success of the Whigs. On their shoulders, more especially, rested now the responsibility of devising plans for the settlement of the territorial question. In the winter of 1849, the Whig members of the legislature of New York desired the election of Seward to the United States senate. Some of the members, however, expressed an apprehension that, if elected, he might pursue too radical a course. But he declared that he should not needlessly agitate even the question of slavery, but should labor to form public opinion by kind and peaceful discussion. The constitutional barriers which protected the slave states in their rights would be as sacred in his regard as those which protected the free states in theirs.² He was elected by a large majority, as the successor of John A. Dix, whose term expired on the following 3d of March. Seward's career as a national legislator began, therefore, under what seemed to be the favorable auspices of a Whig administration.

¹ *Works*, iii. 301-302. ² *Ibid.*, 415.

CHAPTER VI.

IN THE COMPROMISE CONGRESS OF 1850.

The congress which ended on the 3d of March, 1849, had failed to provide civil governments for the territories of California and New Mexico. This failure was due to a disagreement between the two houses as to the admission of slavery into the new domain. But the struggle as yet had been only tentative and preliminary; the responsibilities of decision in the matter were transferred to the new congress which was to meet in December. Meanwhile president Taylor had sent an agent to California to invite her people to form a state constitution and apply to congress for admission. A similar invitation had been extended to New Mexico.¹ In this way it was hoped to avoid a decision by congress of the irritating question of slavery in the new territories, which had arisen through the introduction of the Wilmot proviso. That occasions for angry dissensions might thus be avoided had been Taylor's patriotic wish, and that one of the proposed states would form a constitution permitting slavery may naturally have been his hope. For he must have seen that otherwise the south would never acquiesce. Being a slaveholder himself, he could, without losing his hold on the nation, go farther than a northern president in meeting the wishes of the north, but one is scarcely justified in assuming, as a recent historian has done,² that Taylor favored the formation of only free states out of the domain wrested from Mexico. In the autumn of 1849 California, taken possession of by 'niggerless' gold-diggers, adopted a free constitution, but New Mexico was yet to be heard from. This action of California alarmed the south. It looked as if they might lose what they had schemed to acquire, and that under a slaveholding

¹ Pres. message, Jan. 23, 1850, *Sen. Doc.*, 1849-50, ix. 1-2.

² Schouler, *Hist. U. S.*, v. 181, 189.

president. Thus, instead of the tranquillity and kind feeling which Taylor had hoped to preserve, a storm of portentous character approached.

In the position he assumed on the territorial question, the president had the general concurrence of Seward. The latter early became a confidential friend and adviser of the new president.¹ The "rough and ready" warrior, not being held in high consideration by many of the older politicians, found congenial personal and political traits in the new senator from New York. While both were new men in national politics, Seward had had much political experience and was well conversant with northern sentiment. The senator was the more far-sighted and adroit, but both were alike fearless and honest, and both were devotedly attached to the Union.

The first session of the 31st congress was a notable one in many ways. In it sectional feeling ran higher than in any congress since the enactment of the Missouri compromise. The south now felt that their 'peculiar institution' had reached another of its critical stages. Theories were invented and menaces were employed to convince the north that unless they could get their share of the common territories and other securities beside, there was no safety for them in the Union. Nor was this mere bravado. It was the consciousness that power was gradually slipping from their grasp, in spite of their efforts to retain it, that made them so determined and bold in their attitude toward the north. But the disunion sentiment was as yet seriously entertained by but a few.²

This session of congress was notable also on account of the prominent statesmen who took part in its debates. Clay had returned after an absence of several years, and was now to play his last role as a compromiser. Webster was there; so was Calhoun, the third member of this famous trio. Of the new members of the senate, Salmon P. Chase, of Ohio, and Seward had been elected distinctly by reason of their anti-slavery views. John P. Hale, of New Hampshire, a member since 1847, represented likewise the more positive northern sentiment on the slavery question. Of other notable senators mention may be

¹ Cf. *Biography*, ii. 101, 108, 115.

² Cf. *Globe*, 1st sess., 31st Cong., 28, 29, 203, 1162.

made of Thomas H. Benton, of Missouri, Stephen A. Douglas, of Illinois, Lewis Cass, of Michigan, and Jefferson Davis, of Mississippi.

Clay's compromise plan was introduced January 29, 1850, and embodied the following as its main features: the admission of California with her free constitution; the establishment of territorial governments in the remainder of the territory acquired from Mexico, without conditions regarding slavery; a declaration that it was inexpedient to abolish slavery in the District of Columbia, but expedient to prohibit the slave trade therein; more effectual provision for the recovery of fugitive slaves; the denial to congress of power to obstruct the slave trade between the states.¹ These resolutions formed the basis of the subsequent compromise measures and became the subject of prolonged debate. Clay's plan encountered opposition both among northern and southern members of congress, but the general drift of opinion was in their favor. The president's plan, which proposed the immediate admission of California as the most pressing object of legislation, was favored by many of the northern Whigs, but found little acceptance among southern senators.

Some of the greater senatorial speeches on these various measures were made in March. Clay, in introducing his plan, spoke in behalf of mutual concession, and urged that the north, being in the ascendancy, ought to be magnanimous and concede more than the south, because it was easier to make a concession of sentiment than of interest. The saving of the Union was his main plea.² Calhoun, being then an invalid, had his speech read by a fellow-senator. It was his last elaborate speech in the senate, and was filled with gloomy forebodings. As one remedy for saving the Union, he proposed the restoration by constitutional amendment of the equilibrium between the north and the south.³ Webster, in his 7th of March speech, practically took the side of the south and of compromise. He held that slavery was excluded from the Mexican acquisitions by the law of physical geography, that it was needless "to reenact the will of God," and declared that he should not vote to apply the Wilmot proviso to New Mexico—to do so would be considered a taunt, an indignity, by the south.⁴

¹ *Globe*, 1st sess., 31st Cong., 246. ² *Ibid.* ³ *Ibid.*, 455. ⁴ *Ibid.*, 480-81.

It was under these circumstances that Seward, on the 11th of March, made his first important speech in the senate, in favor of the immediate and unconditional admission of California. He first proceeded to show that California must be speedily admitted if she was not to set up independence for herself. Her mineral wealth, her rapidly growing population, and her distance from the Atlantic states would make possible the accomplishment of such an object. Our destiny as a civilizing nation, he held, would be partly defeated unless we secured a firm foothold on the Pacific coast. The Atlantic states were, through their influence and example, "steadily renovating the governments and social constitutions" of Europe, and the Pacific states must necessarily perform the same functions in Asia.¹ This was in keeping with Seward's somewhat grandiose conception of American destiny, noticeable in several of his public speeches. But on this occasion his purpose was chiefly to emphasize the importance of separate action on the California question. He even went so far as to say that slavery might be left out of consideration, admitting that, in view of "the inevitable dismemberment of the empire consequent upon her rejection," he would favor her admission even as a slave state.² He evidently felt satisfied that slavery would disappear in the course of time, while California, if once lost, might never be regained. For firm as were his convictions against slavery, he did not allow himself to be governed exclusively by those convictions, but understood the statesman's necessary art of adaptation to circumstances.

He opposed the proposed compromise, and declared it as his belief that all legislative compromises not absolutely necessary were "radically wrong and essentially vicious."³ They bound future legislatures and precluded the right of acting on each separate question as it arose. Referring to Calhoun's proposition to restore the equilibrium between the sections, he observed that this would change the character of the Union, as it implied that though one section had a majority it should concede equality to the other. An equilibrium was, moreover, impossible, since the free states were developing faster than the slave states. On the subject of fugitive slaves he took

¹ *Works*, i. 58. ² *Ibid.*, 62. ³ *Ibid.*, 60.

the advanced ground that the south was entitled to no more stringent laws, and that, if enacted, such laws would be useless because there was no public conscience to sustain them. If the slave states wished to have the fugitive slave law executed, they must alleviate, not increase its rigors.¹ This implied that they must be satisfied with something less than a rigid enforcement of that law. And if the spirit of the constitution was really opposed to slavery, none will deny that the defective obedience of the north on this point had a measure of even legal justification.

In regard to the national domain Seward observed that although it had been acquired by the expense and valor of the whole nation, yet congress held no arbitrary power over it. "The Constitution," said he, "regulates our stewardship; the Constitution devotes the domain to union, to justice, to defence, to welfare, and to liberty. But there is a higher law than the Constitution, which regulates our authority over the domain, and devotes it to the same noble purposes."² He had no fears for the Union, and therefore he would enter into no compromise to save it. The Union was the creature of necessities, and would endure by reason of those necessities. The question of dissolving the Union embraced the issue whether slavery should be removed by gradual, voluntary effort within the Union, or whether the Union should be dissolved, and civil war ensue, "bringing on violent but complete and immediate emancipation." "We are now," said he, "arrived at that stage of our national progress when that crisis can be foreseen, when we must foresee it." "I feel assured that slavery must give way, and will give way, to the salutary instructions of economy, and to the ripening influences of humanity; that emancipation is inevitable, and is near; . . . that all measures which fortify slavery or extend it, tend to the consummation of violence; all that check its extension and abate its strength, tend to its peaceful extirpation." He held that the discussion of slavery could not cease so long as slavery endured, and maintained that the south, whatever its opinion now, would in due time yield to the progress of emancipation.³

This speech of Seward was one of the signs of the times.

¹ *Works*, i, 64-67. ² *Ibid.*, 74. ³ *Ibid.*, 86-88.

Together with similar remarks made by Chase, it betokened the rise of a new generation of statesmen who no longer were disposed to let the responsibility for slavery rest mainly with Providence, and who therefore had little faith in the righteousness and potency of so-called adjustments. These men understood the nature of the problem, which the older politicians, bred in the school of compromise, did not. Though fearless in expressing their convictions, they spoke as practical politicians, observing the existing limitations, and avoiding personal bitterness. This made their positions the more difficult of attack, and thus the more aggravating to the extremists of the south. Seward's allusion to a 'higher law' that regulated the authority of congress was seized upon by many as furnishing them the opportunity they desired for hostile criticism. It was said that Seward had violated his oath to support the constitution, and in the heat of debate his expulsion from the senate was once or twice hinted at as desirable. But generally his political opponents contented themselves by referring to this new senatorial idea in a tone of half-playful contempt. Seward's manner, which to many appeared somewhat superior, no doubt contributed something toward this estimate of the 'higher law,' but the chief ground of objection to it was deeper. While Seward soon gained the regard of several southern senators, there were others who expressed their dislike in such a manner that—to use a subsequent expression of Sumner—'the lash of the plantation could be heard in their voice.' One of these was Foote, of Mississippi, who on one occasion objected to the printing of a certain proposition introduced by Seward because he thought it would spoil the latter's reputation, for the preservation of which he professed much concern, and then, growing more serious, he expressed the hope that the American people would look upon this proposition "with pointed disapprobation, with hot contempt, with unmitigated loathing, and abhorrence unutterable."¹ Another senator, in alluding to the author of the 'higher law,' denied him even originality. The original author of a higher law, according to his understanding, was the serpent in the Garden of Eden.

Even some northern people felt some doubt as to the pro-

¹ *Globe*, 1st sess., 31st Cong., 236.

priety of announcing in congress the existence of a law higher than the constitution. But in truth, the announcement proclaimed not the existence of a conflict between the moral law and the constitution; on the contrary, it expressed a view of their conformity. From the circumstances in which it was announced, it is safe to conclude that Seward referred to this law not as a limitation of political allegiance, but as a guide to right legislation. In this era of high-wrought constitutionalism, it was as fitting as it was bold to direct attention to the truth that even constitutions are only means to an end, and that this end must harmonize with the general laws of progress. Nor was this with Seward a new idea; he had frequently given indication of a similar line of thought. Though often called out by various hints to explain his 'law,' he prudently refrained. Its succinctness of expression has helped to give it historic fame.

After Webster had made his 7th of March speech, which proved so disappointing to the north, Seward became virtually the leader of the administration Whigs. On the 2d of July, he made another speech in favor of the admission of California. Again he urged separate action on the various measures before the senate. He should struggle to the last to extend the ordinance of 1787 over New Mexico. Failing in that, he should fall back, as he did in the case of California, on the people of the territory.¹ Slavery and freedom, he remarked, were conflicting systems, whose antagonism was radical and therefore perpetual. When the present strife was settled, a new one would arise in regard to other territories, north as well as south.² This being his belief, it must be considered somewhat of a mistake that he did not more strongly insist on the direct extension of the Wilmot proviso, for this was, even more than the admission of California, the great issue before the people. He sought, on the basis of the president's plan, to effect the same end by different means, namely by the admission of new states. Although the plan promised well in so far as both of the proposed states framed free constitutions, yet this attempt to avoid a direct issue on the proviso question neither had the desired effect of soothing southern sensitiveness, nor would it,

¹ *Works*, i. 104. ² *Ibid.* 108-109.

if successful, have settled the territorial controversy any more than did Clay's compromise. Like the latter, it gave color to the idea that congress had no power over slavery in the territories. Furthermore, this plan was radically weak in so far as it proposed the admission of New Mexico, a territory then inhabited mostly by Indians, only two per cent. of its straggling population being of the European races.¹ To the advocacy of such admission Seward stood now in a measure committed. When, in July, it was understood that New Mexico had framed a state constitution, he moved her immediate admission, his strongest argument being that this would facilitate the settlement of the boundary dispute between New Mexico and Texas. However noble the ultimate object in view, this was an ill-timed proposition, and the more so for being offered as an amendment to the Omnibus bill, which Seward steadily opposed. Of the 43 votes cast on the amendment, Seward's own was the only vote in the affirmative.²

But notwithstanding his adherence to the plan of president Taylor, Seward was earnestly in favor of the assertion by congress of its power to deal with slavery in the territories. On June 5th, he had submitted an amendment to the compromise bill that slavery be prohibited in the territories of Utah and New Mexico. As he had offered no argument on the subject at the time, his proposition was evidently intended as a test question. Seward seems to have felt that the Wilmot proviso could not be passed at this session. In this he was, as matters then stood, probably right. Whether the fate of the proviso might not have been different had its friends remained firm and united their efforts, must remain somewhat conjectural. It was at least a sign in its favor that many of the southern members felt considerably alarmed lest it might become law. As regards numbers, it is known that, at the opening of the session, the majority of the house favored the proviso³ as well as a considerable portion of the senate. But the alarms raised had had the effect of lowering the tone of many, of changing the convictions of some. The vote on Seward's amendment resulted adversely by 33 to 23. With the northern doubters

¹ *Globe*, 1st sess., 31st Cong., App., 1443. ² *Ibid.* 1447.

³ *Globe*, 1st sess., 31st Cong., 91.

and time-servers Seward expressed in private his hearty dissatisfaction, and declared that he sometimes felt, when viewing the situation in congress, as though slavery must be the normal condition of mankind.¹ That he used his main influence, during this controversy, to further the president's policy was due, therefore, to the belief that this policy, under the circumstances, would best serve the cause of freedom. And in this he came very much nearer to the truth than did the northern compromisers.

After the death of president Taylor, in July, more hope was felt by Clay and his supporters as to the fate of the Omnibus bill. Taylor had with fixed purpose set himself against the proposed compromise. He had also boldly put at defiance the dictation of southern extremists, and had been winning for his plan much popular support.² But now Millard Fillmore, a cautious anti-slavery New Yorker, succeeded to the presidency, and he felt more the need of concession. With the new administration Seward sustained no relation of intimacy;—but short had been his service as presidential adviser. His course toward the compromise plan, however, remained unchanged. The Omnibus bill, loaded to death with amendments in July, was subsequently revived in its separate parts. To such of these as favored freedom Seward gave his support. He thus voted for California's admission and for the suppression of the slave trade in the District of Columbia. But while the latter subject was under discussion, he submitted an amendment to abolish slavery in the federal district, with compensation to the slaveholders. He took this action because the original bill had been so amended that he could not vote for it, and because he held, as regarded the time for abolishing slavery in the district, that the first time was the right one.³ This amendment gave rise to considerable bitterness of debate. One of the southern senators declared that he should not vote for the original bill after this; it was impossible to satisfy certain gentlemen. "To attain their objects they would wade through the blood knee-deep of the whole south, and over the wreck of this Union." Another considered this a proposition to dis-

¹ *Biography*, ii. 138, 139. ² *Cf.* Schouler, *Hist. U. S.*, v. 182, 185.

³ *Globe*, 1st sess., 31st Cong., App., 1642, 1649.

solve the Union, and in every way "unpardonably reprehensible." A third senator likened it to a fire-brand thrown into the senate. Many northern senators opposed it as untimely and likely to defeat the original bill. But Hale and Chase expressed their approval, the latter admitting the correctness of a remark made that this was a step toward the abolition of slavery itself; "and gentlemen deceive themselves," said he, "if they suppose it is the last step."¹ During this rambling discussion Seward remained silent. As a rule he took no large part in general debates, it being his custom to concentrate what he wished to say in a few well-considered speeches.

Seward's amendment was rejected by a vote of 45 to 5, whereupon was passed the slave-trade suppression bill,—the last concession of the slaveholders. When congress on the last day of September adjourned from its labors, the original resolutions of Clay had been embodied in legislation, and another settlement of the slavery question had been reached, which many imagined to be final. But Seward was one of those who foresaw that the future would unsettle the so-called settlement.

¹ *Globe*, 1st sess., 31st Cong., App., 1642, *et seq.*

CHAPTER VII.

DEFENDS THE MISSOURI COMPROMISE.

Now there was a pause in the slavery discussion. The country had grown tired of the protracted debates of the compromise congress. A disposition prevailed to let the disturbing question alone, and to abide by the results of the recent adjustment. In the presidential conventions of 1852 both of the leading parties expressed their approval of the compromise acts. The Whigs again nominated a military hero, but their last national victory had been won. A party that represented only tendencies, and that in a half hearted way, could no longer answer the requirements of times that were gradually growing more earnest. The growth, indeed, was not always apparent. Thus the Free-soil party in 1852 lost much of the support it had received in 1848. The anti-slavery sentiment was not yet sufficiently developed for effective independent organization. Nor were the old parties any more disposed than formerly to identify themselves with the reforming tendency of the nation. The road to chief political power, though running often in a northern latitude, had as yet a southern terminus.

With the Whig platform of 1852 Seward was out of sympathy, being of that class in the party who favored the modification or repeal of certain of the compromise measures.¹ He appears to have taken no active part in the canvass of that year. When petitions for the repeal or modification of the fugitive slave law began to gather in congress, Seward presented those that were sent to him, and insisted on the observance of the right of petition, but he raised no new issue on the slavery question. He declared that he had never introduced the subject of slavery in congress, but had spoken on it only when it had

¹ *Biography*, ii. 162, 187, 188.

come up in the course of debate. As to the compromise measures, he was content to leave them to the scrutiny of the people, and to abide the test of time and truth.¹ In January, 1851, he suggested to a political friend a proposition to mitigate the evils resulting from the fugitive slave law by adding to it a proviso that when a fugitive was ascertained to be such, he might redeem himself, be redeemed by others, or by the state wherein he was arrested. With this he coupled a proposition for a plan of emancipation: that when a person wishing to redeem himself should show to a federal court that the laws of his state permitted, and his master consented, he should be paid for out of the United States treasury. This, he intimated, would be "a gradual emancipation with compensation and consent."² But it is quite certain that neither proposition would have found any favor with those concerned, for slaveholding was in our history something more than a question of property; it was—as Seward elsewhere often dwelt on—a question of political power. He seems not to have attached much practical importance to these propositions, for he never brought them forward as a matter of legislation.³ But they are not without interest, as showing how far he, as a constitutional opponent of slavery, was willing to go to effect its peaceful removal by federal aid.

During the next three years, congress was occupied only with ordinary matters of legislation, and some that hardly attained to that level. A great deal of rhetoric was indulged in to express sympathy with the recent revolutionary struggle of Hungary and with her patriot Kossuth, then seeking comfort and aid in this country. Seward took a special interest in Kossuth and his mission, and in March, 1852, introduced a resolution strongly protesting against the conduct of Russia, and declaring that the United States would not be indifferent to acts of national usurpation wherever committed. He intimated that it might, in some contingencies, be our duty to afford even "substantial aid" to struggling nations.⁴ During this period, Seward spoke also in favor of the granting of lands to actual settlers, of internal improvements, of aid to American steamers,

¹ *Globe*, 2d sess., 31st Cong., 576. ² *Biography*, ii, 161.

³ *CF. Works*, i, 167. ⁴ *Ibid.*, 196, 219.

of reduction of postage, of surveying the Pacific ocean, *et cetera*. But one idea appears with special frequency, in his congressional and other speeches, namely, that this country was destined to pursue a course of peaceable expansion until it embraced the continent and even distant islands.¹ He called this, on one occasion, "the great national crisis through which we are passing."² To one who attempts to trace the tendency of Seward's political thought, the idea will sometimes occur that possibly his view of expansion had some bearing on that which he well knew to be the chief national crisis. Possibly he believed that the southern tendency to disunion might be counteracted by ministering to the feelings, common to both sections, of national pride and ambition; that territorial expansion might thus be the means of strengthening the Union; and that, through the operation of social and economic laws, such expansion would inevitably conduce to the benefit of the free states. Certain expressions in his writings lend some support to this view, but after all, it is mainly a matter of inference. That Seward did not seek to avoid the slavery question, and that he would not have been content to let its solution depend on this merest possibility, of this we have abundant evidence. The above inference, if it be in any sense a justifiable one, points again to the fact that he wished to counteract slavery by all the means, direct and indirect, not prohibited by the constitution; furthermore, that he sought, as far as possible, to make his opposition to slavery rest on arguments that would appeal to the entire Union. But in so far as the latter was his intention, he seems not to have been fully aware of the true disposition of the leaders of the south. With them slavery was not a question open to adverse argument, however plausible.

Presently, the perplexing subject which congress had sought to put out of its way was again brought into debate. When the thirty-third congress met in December, 1853, no suspicion seems to have been entertained of the impending danger. The south had made no special demands on the north for further concessions. Nor had the north yet offered to concede what had not been demanded. But in the early part of January, Douglas, as chairman of the senate committee on territories,

¹ Cf. *Works*, i. 273; iii. 109, 188, 616; iv. 122. ² *Ibid.* iii. 186.

reported a bill for the territorial government of Nebraska, one of the sections of which provided that Nebraska should be admitted into the Union with or without slavery, as her people at the time of admission might determine. Later he reported a substitute which distinctly declared the Missouri compromise restriction to be inoperative, and which proposed two territories, Kansas and Nebraska.¹ The issue was now fairly presented, and 'popular sovereignty,' though not a doctrine of Douglas's invention, became his by right of adoption. He explained that the object was neither to admit nor to exclude slavery, but to remove whatever obstacles congress had placed in the way of it, and to apply to all the territories the doctrine of non-intervention.²

This was the chief danger inherent in the compromise of 1850, though not generally foreseen at the time. For while the territorial policy of 1850 did not technically affect that of 1820, it cannot be denied that the former logically made the latter indefensible, or *vice versa*. It seemed somewhat reasonable that, so long as congress avowed the policy of non-intervention, it ought to give the people of all the territories the same option. Douglas had therefore an appearance of reason on his side, and his case was much strengthened by the extreme democratic aspect of his doctrine. But for a compromiser his position was completely untenable. Compromising excludes the idea of logical uniformity of practice; so long as a question is considered open to this mode of settlement, precedents cannot properly come into question. When the southern politicians, therefore, followed their northern leader in urging the repeal of one compromise because it conflicted with a so-called principle of another, they really gave up this plan of political manœuvring. The north began to see that if compromises could thus be tampered with they were hardly worth the making. Constitutionally, popular sovereignty was only a weak substitute for the stronger assumption of Calhoun that the constitution, by its own force, carried the right of slaveholding into the territories.³

The Kansas-Nebraska bill stirred the north. It divided the Whigs, and gave the final impulse to new party adjustments.

¹ *Globe*, 1st sess., 33d Cong., 222. ² *Ibid.*, 240.

³ Cf. *Globe*, 2d sess., 30th Cong., App., 273-74.

In February, 1854, when the senate debates were in progress, Seward wrote: "The storm that is rising is such an one as this country has never yet seen."¹ Sagacious Clay was no longer there to devise new plans of conciliation, nor weighty Webster to enforce the propriety of supporting them. But new plans were not proposed. Both parties in the debate took their stand on previous compromises, the free state party on that of 1820, the slave state party on that of 1850. In the issue as thus presented, the south had, besides the advantage resulting from the plausible appearance of Douglas's dogma, the further advantage of attacking their opponents at their weak point. For the chief opponents of the adjustment of 1850 now came forward as the defenders of the older compromise. Why should those who opposed slavery compromises on principle, it was asked, speak of the special sacredness of such a compact? But this tactical disadvantage was morally outweighed by the justice of their cause and the ability of its defenders. Of new anti-slavery senators who had entered congress since 1850, the most notable were Charles Sumner, of Massachusetts, and Benjamin F. Wade, of Ohio. These, with Chase and Seward, took the leading part against the proposed repeal.

The debate began in earnest on the 30th of January, a week after Douglas had submitted the substitute for his original bill. The main arguments urged in favor of the measure were that the Missouri compromise, in so far as it prohibited slavery north of the line $36^{\circ} 30'$, had been superseded by the principles of the legislation of 1850; that that compromise was unconstitutional because it denied to slaveholders their equal rights in the common territories; that it had been violated by the north when they in 1848 had refused to extend the line to the Pacific ocean; that congress had no right to legislate on the subject of slavery in the territories; that congressional non-intervention was the only plan of safety; and that the south had only acceded to the proposition for repeal, not made it.² Butler, of South Carolina, declared, with much simplicity, that he knew of no sacrifices to preserve the Union which had been made on the part of the north, and that it were better for the south never

¹ *Biography*, ii. 222.

² *Ct. Globe*, 1st sess., 33d Cong., 275-77; App., 224, 277-78, 347, 383.

to take refuge in compromises. The decision of the present question was not likely to make any practical difference in the relative strength of the two sections. "The South," said he, "wants her heart lightened—not her power increased."¹

On the 17th of February Seward spoke. He maintained that it had been the policy of the founders of the republic to prevent the introduction of slavery wherever it was practicable, but that they had not attempted the impracticable. Thus they had prohibited slavery northwest of the Ohio, but left the matter undecided south of that river. He held that the Missouri compromise was a solemn compact, and that it could not be repealed without a violation of honor and good faith. If the Missouri compromise were unconstitutional, that objection, like all other objections, had been waived at the time, in return for equivalents. Furthermore, the slaveholding states had enjoyed their equivalents, while the free states had not practically enjoyed theirs. The compromise could not therefore be justly supplanted until both parties were restored to the *status quo*.² This was one of Seward's strongest points, and it plainly indicated the nature of the motive which actuated the south in urging the repeal.

As to the merits of the Missouri compromise, Seward observed that he did not hold a geographical line between freedom and slavery to be a perfect arrangement. He desired that all territory might be free, but since that was not possible, some line of division was necessary. Reasoning from his present convictions, he should not have voted for that compromise, but he wished to see preserved the landmark of freedom which it had assigned. Seward as well as many of his associates employed much shrewd and able reasoning to prove that the compromise of 1850 did not impair that of 1820, and that the claim of supersedure was a recent invention. This may be granted, but the point was scarcely worth the proving, unless it were to show the questionable sincerity of those who made the claim. If there had been no supersedure, there might be a legislative annulment. As the legal right of repeal could not be disputed, the question at issue was really a moral-political one, the defense and attack of a compromise being only incidental to it. With the one party

¹ *Globe*, 1st sess., 33d Cong., App., 240. ² *Works*, iv, 447.

the question was, whether a compromise of which they disapproved in the abstract was not yet to be defended when it favored freedom; with the other, whether compromises, whose general importance they appreciated, might not be safely departed from in cases which promised special advantages to slavery. This showed that the slavery question was becoming too large for compromise. As Seward observed, both slavery and freedom were more active now than they had ever been before. "The contest between them," said he, "has been only protracted, not decided. It will be a great feature in our national hereafter."¹ But while he held the slavery agitation to be "an eternal struggle between conservatism and progress, between truth and error, between right and wrong," he also thought that the conflict of opinion would be "peaceful in its course and beneficent in its termination."²

Chase and Sumner spoke in similar strain. Both insisted on the maintenance of plighted faith, and on the duty of restricting slavery within its present limits, with the view of relieving the national government of all political responsibility for its continuance. Chase spoke with calm earnestness, Sumner with that boldness of utterance and that beauty of style which at once marked him as one of slavery's most conspicuous foes. Like Seward, Sumner maintained that the original policy of the government had been to discourage slavery, while now the policy was to favor it. "Our Republic," said he, "has swollen in population and power; but it has shrunk in character." He held that there was no place accessible to human avarice, to which the prohibition of slavery, like the commandments of the Decalogue, ought not to extend.³

On the 25th of May, the day on which the bill was passed in the senate, Seward again spoke. He admitted that there was no hope of defeating the measure, but derived comfort from the indication that the day of compromises had passed. The Union he considered safe; when it came to a question whether the Union should stand, "either with freedom or with slavery," the masses would uphold it. As to the effect of the repeal, he held that freedom might lose but could not gain,

¹ *Works*, iv. 440. ² *Ibid.* 462, 463.

³ *Globe*, 1st sess., 33d Cong., App., 262-70.

while slavery might gain but could not lose. Still he felt hopeful. The supply of slaves was limited, while the tide of free immigration was constantly increasing. Said he to the senators from the slaveholding states: "Since there is no escaping your challenge, I accept it in behalf of the cause of freedom. We will engage in competition for the virgin soil of Kansas, and God give the victory to the side which is stronger in numbers as it is in right."¹

¹ *Works*, iv, 471.

CHAPTER VIII.

PLEADS FOR THE STATE OF KANSAS.

The competition for the soil of Kansas which Seward had alluded to was soon to follow. In the repeal of the Missouri compromise the slave power had overreached itself. It had gone beyond the point at which the freemen of the north would passively acquiesce, much as they loved peace. Emigrant colonies were organized in various states with a view to settlement in Kansas and the saving of the territory to freedom. The New England Emigrant Aid Society had been organized even before the Kansas-Nebraska bill became law, and the society had sent out its first little band of colonists within two months of the passage of the act.¹ This alarmed the slaveholders, although they had been first in the field; it seemed as if they might, after all, lose at their own game. Counter-movements were rapidly multiplied by the slaveholders of Missouri. But they came not in the spirit of peaceful colonizers. Intimidation and force became their frequently-employed weapons. The plains of Kansas now became for many years the scene of a struggle that brought disgrace upon the principles of free government. This was the result of the so-called popular sovereignty, which was in reality the shrinking by the national government from a solemn responsibility. The actual state of things was aptly described by Seward when he later observed that "the popular sovereignty of Kansas proved to be the state sovereignty of Missouri."²

In October, 1854, a territorial governor of Kansas was appointed by president Pierce. In March, 1855, a legislature was elected, but fraudulent voting played such a part that the free state men repudiated it, and called a constitutional convention

¹ Wilson, *Slave Power*, ii, 465. ² *Works*, iv, 628.

to meet in the following autumn. This convention framed the Topeka free state constitution, elected a delegate to congress, and prayed for admission into the Union. In December, 1855, this constitution was ratified by popular vote of the free state men, the slavery party at present ignoring the movement. Shortly afterward, a governor, a legislature, and United States senators, were elected under this constitution. But no laws of importance were passed, nor were such laws as the legislature did pass ever put into force. The scheme was rather intended as an emphatic protest against the pro-slavery government previously organized, and as an effective appeal to northern sympathy.¹

Thus two governments claimed to exist in Kansas, the territorial government possessing something of technical legality, the Topeka government liable to the charge of technical disloyalty. But affairs were unsettled, almost revolutionary, on the western plains. Freedom was fighting against slavery, and was under the necessity, for purposes of defense, of employing some of the same weapons. During the next few years, legislatures met or constitutional conventions were held, at one time or another, in almost every hamlet in Kansas.

In congress the Kansas question became for many years an important topic of debate. President Pierce, in a special message of January 24, 1856, recognized the validity of the territorial government, described the Topeka movement as being of a revolutionary character, and complained of the 'propagandist colonization' of the New England aid society. He admitted that there had been disorders, but none to impair the validity of laws enacted by the territorial legislature. As a remedy, he recommended that provision be made for the admission of Kansas whenever her people, being sufficient in number, should desire it.² In accordance with this recommendation, Douglas, as chairman of the committee on territories, in March introduced a bill providing for the future calling of a constitutional convention by the legislature of the territory.³ The calling of a convention by such authority could not meet the approval of those who regarded this legislature as spurious.

¹ *Spring, Kansas*, 59-78; *Wilson, Slave Power*, ii, 467-69.

² *Sen. Doc., 1855-56*, vi, No. 4. ³ *Globe*, 1st sess., 34th Cong., App., 280.

Seward soon afterward offered a substitute that Kansas be admitted with her present population, under the Topeka constitution. On the 9th of April, he supported his position in an able and elaborate speech. He held that if the admission of Kansas was to afford adequate relief, this remedy ought to be applied immediately. No rule as to population had been laid down in the constitution. Freedom justly due could not be conceded too soon. Irregularities there had been, but the exigencies of the case would excuse them. The proceedings had, indeed, been instituted by a party, but the elections had been open to all the qualified voters of the territory, and the new state organization had engaged in no conflict with the federal or territorial authorities. Congress could refuse admission to Kansas only on the ground that it would not relinquish the hope of carrying slavery into that territory. Such a hope was delusive; if the attempt should be made it would be at the risk of subverting American liberties. The political power of slavery was passing away. The defenders of slavery had formerly tried to avoid discussing the subject in the national councils; they now practically confessed to the necessity of defending it there, by initiating discussion. Said the speaker: "They have at once thrown away their most successful weapon, compromise, and worn out that one which was next in effectiveness, threats of secession from the Union. It is under such unpromising circumstances that they begin the next experiment of extending slavery into free territory by force. . . ." He declared to the senators of the free states that the debate about slavery would not cease even if they consented to make Kansas a slave state. The debate would be transferred to other topics and other territory. If we examined the ways we had pursued hitherto, he observed, we should find that we had forgotten moral right in the pursuit of material greatness.¹

A few weeks later Sumner delivered his famous speech, "The Crime Against Kansas," in which he referred to Seward's substitute as offering the remedy of justice and peace. In speaking of the merit of this proposition, he said of Seward: "He has, throughout a life of unsurpassed industry, and of eminent ability, done much for Freedom, which the world will not let

¹ *Globe*, 1st sess., 34th Cong., App., 404-5.

die; but he has done nothing more opportune than this."¹ Certain expressions used in this speech resulted unfortunately for Sumner, but his misfortune was freedom's gain. Slavery had now become the occasion of violence both in the senate chamber and on the plains. Another impulse was given to the anti-slavery cause of the north.

Meanwhile, the debate on the Douglas bill continued. The report of the Kansas investigating committee, submitted in July, supported the position of those who claimed the territorial legislature to be a usurpation. On the 2d of July, Seward spoke a second time, the pending measure being now somewhat modified in the direction of compromise. In the course of his remarks, Crittenden, of Kentucky, perhaps the most noble hearted of the border state compromisers, appealed to him not to set himself against all compromising. The adoption of the Topeka constitution, which alone of the remedies proposed would satisfy Seward, Crittenden described as impracticable. With some reason he asked why their feelings had been assailed with so much eloquence on the subject of the distress in Kansas if the territory was to have no relief whatever.² But the question was not only one of immediate relief, and Seward rightly insisted on its wider bearing. Technically, however, the present application of Kansas for admission was more irregular than the application of any previous state. As to Crittenden's plea for compromises, Seward remarked that, while personal and temporary questions might lawfully be compromised, principles could never be justly the subjects of compromise. He should insist on the settlement of the Kansas question and other disturbing questions by legislative majorities.³

No settlement of the Kansas difficulty was reached in this congress. The house passed a bill to admit the state with its free state constitution, but the senate passed its own bill in opposition. Shortly before the adjournment, the house resorted to a questionable expedient for protecting the free state settlers of Kansas. To the army appropriation bill it attached a clause prohibiting the president from using the army to enforce the territorial laws of Kansas. Seward supported the house in this proceeding. He maintained that congress had full power to

¹ *Globe*, 1st sess., 34th Cong., App., 540. ² *Ibid.* 763, 794. ³ *Ibid.* 789.

declare the territorial legislature void, and, therefore, to pass a bill to prevent the employment of the army for the enforcement of the pretended laws.¹ Aside from the parliamentary irregularity of this proceeding, it was based on the presumption that the territorial laws emanated from an illegal authority, a presumption which, however well founded, congress had not yet declared to be a fact. Furthermore, this army bill proviso pointed toward an encroachment on the military powers of the president. The senate refused to assent to the proviso, and congress adjourned without having made the customary appropriation for the army. After a week had been spent of an extra session, called to act on this subject, the house finally receded from its position. During this session Seward again spoke on the general question. He held that before peace could be restored in Kansas, the laws of its conquerors as well as the conquest itself must be abolished. What Kansas wanted, he observed, was the freedom granted, or professed to be granted, by the Kansas-Nebraska law.² Optimistic as he was, and confident as he usually expressed himself as to the future of the Union, he seemed not always to be free from a foreboding of possible trials. Said he, on this occasion: "I do not know the fearful horrors through which either Kansas or the country is to pass; but be they what they may, the destiny of Kansas is freedom."³

Almost two years elapsed before the situation of the popular sovereigns of Kansas again became a chief topic of debate in congress. Meantime, even the Missouri borderers had begun to feel some doubt as to the feasibility of making Kansas a slave state. But another effort, more shrewd and less vulgar, was yet to be made. In 1857, the pro-slavery legislature had issued a call for a constitutional convention, but the free state party, chiefly because it considered this legislature illegal, refrained from taking any part in the choice of delegates. The convention, being thus easily harmonious, formed a pro-slavery constitution. But for fear it would be rejected if submitted to the people, only the slavery clause was to be submitted, with the reservation that whichever way the vote went on this clause the rest of the constitution should be adopted. As the terri-

¹ *Works*, iv, 539. ² *Ibid.*, 572. ³ *Ibid.*

torial legislature had now come into the control of the free state men—no longer standing aloof on their Topeka ground—this was thus to be superseded by a new one. Such was the Le-compton scheme. It was adopted by the pro-slavery party in December, 1857, the free state men again refusing to take part in the vote. But in the following January, when officers were to be elected under the new constitution, they took occasion to vote on the instrument as a whole, and rejected it by a majority of 10,000. This time the pro-slavery party abstained in turn from voting.¹ Thus oddly mixed were matters in Kansas, but that the free state party largely outnumbered their opponents was sufficiently plain.

President Buchanan, in a special message of February 2, 1858, accepted the first vote on the Le-compton constitution as conclusive proof of its adoption, and favored the admission of Kansas under that charter.² In congress long debates took place, as was now usual whenever the slavery question was approached. But not all northern Democrats were willing to give their sanction to the Le-compton scheme. Douglas was among those who, while no defenders of freedom, were yet opposed to the forcing of slavery upon Kansas.

On the 3d of March, Seward spoke at length against the proposed plan of admission. He reviewed the circumstances of the case, and maintained that the Le-compton convention had been called by illegal authority, and that its work had not been approved by a majority of the people. But his main argument was based on the unwisdom of admitting more slave states. He contended that in the work of national expansion and development skilled labor was required, not that of slaves.³ The white man needed this continent to labor upon. The interests of the white races demanded the ultimate emancipation of all men. Whether this change should be effected with wise precautions, was all that remained for the slave states to decide. "The nation," said he, "has advanced another stage; it has reached the point where intervention by the government, for slavery and slave states, will no longer be tolerated. Free labor has at last apprehended its rights, its interests, its power, and its

¹ Spring, *Kansas*, ch. x.; Schouler, *Hist. U. S.*, v. 385, 391.

² *Sen. Doc.*, 1857-58, vii. No. 21. ³ *Works*, iv. 600.

destiny, and is organizing itself to assume the government of the republic. It will henceforth meet you boldly and resolutely here; it will meet you everywhere, in the territories or out of them, wherever you may go to extend slavery."¹ Speaking of the position of the slave states as regards Kansas, he asked whether they could compel Kansas to adopt slavery against her will. "To what end would they agitate? It can now be only to divide the Union. Will they not need some fairer or more plausible excuse for a proposition so desperate? How would they improve their condition, by drawing down a certain ruin upon themselves? Would they gain any new security for slavery? Would they not hazard securities that are invaluable?"² The wounds of society, he held, could be healed only by the immediate admission of Kansas as a free state, and by the abandonment of all further attempts to extend slavery under the federal constitution.³

These were plain and bold remarks, but, however true, they changed no slaveholder's conviction or vote. The bill for the admission of Kansas under the Leecompton constitution passed the senate, March 23, by a vote of 33 to 25.⁴ It being defeated in the house, a species of compromise was arranged, which was but little of an improvement. It virtually gave Kansas no choice but that of accepting a slavery constitution together with a handsome gift of public lands, or of remaining yet awhile in her territorial condition. Seward, as a member of the conference committee, dissented from the report of the majority as offering an unfair alternative.⁵ But the substitute devised passed both houses and became law. When submitted to Kansas, however, the proposition was overwhelmingly rejected. After some time, Kansas again applied to congress with another free constitution, and Seward again advocated her admission. But the question was no longer debated on its own merits; it merged into the broader question of the Union.

To Seward belongs the credit of having been, during these many years, the foremost among the defenders of the free state cause in Kansas. Nor was it a cause of which parliamentary defense was always easy, for the free state party was sometimes

¹ *Works*, iv. 601. ² *Ibid.*, 595. ³ *Ibid.*, 602.

⁴ *Globe*, 1st sess., 35th Cong., 1264. ⁵ *Ibid.*, 1762.

guilty of indiscreet and inconsistent action. But Seward was skillful in argument, especially when it involved considerations of higher expediency and justice. His hopes, never failing him, had grown stronger of late. In the Kansas debates of 1858 he expressed it as his conviction, that whatever disposition was then made of the question, this would be, for the free state cause, either the first victory or the last defeat.¹ It was practically the first victory; yet it was not until secession made room for her that Kansas gained admission to the Union.

¹ *Works*, iv. 617.

CHAPTER IX.

IN POLITICS, 1855-60.

A brief survey must now be made of some phases of Seward's political activity subsequent to the passage of the Kansas-Nebraska bill. The Whig party in New York state finally merged into the Republican in the autumn of 1855.¹ In some other states the new organization had come earlier to the front. But Seward, the chief leader of the anti-slavery forces in the state, favored no hasty adoption of the new name. He was aware of the difficulty of making a new party organization strong and enduring. At last, however, he avowed himself no longer a Whig, admitted that that party had proved deficient in anti-slavery virtue, and that it had met its fate. If it be thought by some that he adhered too long to the Whig party, this must be his justification that he, more than others, devoted himself to the task of raising it to an appreciation of its higher duty. In this he was not successful because the question at issue was one that could be effectively met only by a party specially organized, by what at first must virtually be an one-idea party. Such a party was the Republican.

During the time which intervened between the repeal of the Missouri compromise and the presidential nomination of 1856, Seward had often been spoken of by his party friends as a desirable candidate for the presidency. He was recognized as being a leading representative of the most advanced as well as of the most practical anti-slavery ideas of the north. It was felt that success was more probable with him than with another, and that, if defeated, he would still remain the leader of the new party.² While not averse to this presidential idea, Seward left the matter with his friends, one of whom was always

¹ *Biography*, ii. 254. ² *Ibid.* 276.

Thurlow Weed. In 1855, he wrote that he did not think it probable that the slavery problem in national politics could be "completely and safely" worked out the next year.¹ The situation was rendered somewhat less encouraging to the Republicans by reason of the large following secured by the Know-Nothing party. To this organization Seward was entirely opposed; he had always dissented from the policy it advocated, and considered it as raising a false issue in a critical time. He would have nothing to do with a combination of Republicans and Know Nothings.² When the Philadelphia nominating convention met, his name was not presented, a letter having been received from him in which he declined, on the ground that the convention was not prepared to adopt all of his principles and policy.³ Although he might have preferred a different nomination from the one made, he spoke zealously in behalf of the party's cause during the canvass. Throughout the following years he labored to promote the interests of the party in congress and in his own state. He seemed at times to feel burdened by his responsibilities in congress, and expressed a wish for retirement. Once he wrote: "I see true friends, and hear of so many timid and fickle ones as almost to make me sorry that I have ever attempted to organize a party to save the country."⁴ These were private expressions; in public he was courageous and hope inspiring. When the Chicago convention assembled, in 1860, he was the most prominent candidate for the nomination, but again he had to give way to another. The disappointment of his friends was so great as almost to be pathetic. Nor need we doubt that he himself felt disappointed. But history has attested the wisdom of the choice made as well as his own magnanimity in the sequel, for during that memorable canvass he made a series of speeches that could not have been without a considerable influence on the result.

In the political speeches that Seward made during the years 1855-60, certain ideas and tendencies are deserving of notice.

He frequently referred to the slaveholders as a privileged class, as an aristocracy, as the dominant class in the republic. The basis of their power he considered to be their personal dominion over man and the guaranties afforded them in the

¹ *Biography*, ii. 252. ² *Ibid.* 264. ³ *Ibid.* 278. ⁴ *Ibid.* 448.

federal constitution. He found no fault with the founders for granting these guaranties, but argued that their hopes of the gradual disappearance of slavery had been frustrated by subsequent industrial and political changes, and that the constitution had then been perverted in the interest of the slave power. This privileged class, he intimated, stood on an enduring foundation and was growing stronger and stronger.¹ "The question now to be decided," said he in 1856, "is, whether a slaveholding class exclusively shall govern America, or whether it shall bear only divided sway with non-slaveholding citizens."² In a speech made at Rochester, in 1858, he went a step farther, and declared that there was an "irrepressible conflict" between the systems of free labor and slave labor, and "it means," said he, "that the United States must and will, sooner or later, become entirely a slaveholding nation, or entirely a free-labor nation."³ This was the announcement which created so much stir at the time, not so much by reason of its novelty—rather because the people were unwillingly coming to the same belief, and because a prominent politician should have dared to give that belief such emphatic utterance. But the true meaning of the phrase was often perverted.

The above position of Seward was historically correct, and in the main consistent. It seems to conflict with his previous assertions that the power of slavery was passing away, but he then referred more especially to the operation of moral and economic laws, now to political facts and ambitions. Still, in the long run, the latter must necessarily adapt themselves to the former. Seward therefore strained the argument—assuming the course of development to be against slavery—when he intimated the possibility of the nation's becoming entirely slaveholding. Yet this might have happened, it is true, if the free states should have allowed themselves to become so far demoralized as to cease developing. But how could the nation, on the other hand, become all free so long as the slave power rested on an enduring foundation? How could a conflict that was irrepressible find a peaceful termination under a constitution which, in a manner, recognized both of the conflicting parties? Yet Seward continually maintained that the Union was safe

¹ *Works*, iv. 236, 271. ² *Ibid.* 274. ³ *Ibid.* 292.

and that slavery could never be perpetual. These ideas could be founded only upon the supposition that the slaveholders thought less of slavery than of the Union, and so much less that they would be willing, in due time, to abolish it. There is some reason to think that Seward did at times entertain this hopeful view; and to the extent of his doing so, he was quite consistent in what seems like contradictory ideas. But he did not generally, during these years, hold to a view so optimistic, nor would it have reflected favorably on his political discernment had he done so. In 1855, he said of slavery: "It will be overthrown, either peacefully or lawfully, under this constitution, or it will work the subversion of the constitution, together with its own overthrow."¹ This implies that even the constitution might have to give way to a higher necessity. Nevertheless, it must be said that Seward did not consistently adhere to, nor did he generally carry to its logical conclusion, the idea of an irrepressible conflict. He seemed to believe, or hope, that the conflict might be fought out with moral weapons, under the existing constitution, provided that right political action were taken.

Such political action was, in the first place, to consist in returning to the original policy of the nation in favor of freedom instead of slavery. Slavery was to be excluded from the territories, and the growth of the privileged class to be thus checked. Such a return, he thought, would be acquiesced in by all parties, would eliminate the slavery question from politics, and would end the irrepressible conflict.² With this change in policy was to follow a return to the principle of the equality of men, embodied in the declaration of independence. But for the representative of a party that opposed slavery under limitations, this was rather broad ground to assume. He therefore felt constrained to refer to this 'self-evident truth' as "the principle of the political equality of men within the exclusive range of the federal constitution."³ This shows how curiously but necessarily restricted was the warfare which the Republican party might wage against slavery. It could not, consistently with its programme, direct its main artillery against slavery as an inhumane and sinful institution. It was no wonder, therefore,

¹ *Works*, iv. 237. ² *Ibid.* 318, 366. ³ *Ibid.* 384.

that some politicians of the south, crediting the party with more logic than it professed, were ready to believe that it must aim against slavery everywhere.¹ This party limitation also explains why Seward so often placed his arguments on political and economic rather than on moral grounds.

The motive of the Republican party was, therefore, not that of improving the condition of the negro. Seward seemed desirous of having this understood, partly, no doubt, with the view of quieting undue feelings of alarm at the south. In the campaign of 1860, he observed: "How natural has it been to assume that the motive of those who have protested against the extension of slavery, was an unnatural sympathy with the negro instead of what it always has really been, concern for the welfare of the white man."² In another speech of that campaign he said, in speaking of the so-called negro question: "The negro is no party to it; he is only an incident . . . It is an eternal question between classes . . . between aristocracy and democracy."³ Yet we know that, on other occasions, Seward often insisted on the requirements of natural justice.

His speeches during this period were practical and serious in tone, but animated by a feeling that victory over the slave power was almost achieved: it was necessary only to bring the Republican party into power and to support its principles. He believed that the last slavery-supporting Democrat had already been born. The reason for this belief was that, in his opinion, slavery could pay no longer, and that the partisan alluded to would not work for a cause that did not pay. In this connection, Seward made this rather curious announcement: "I propose to pay all kinds of patriots hereafter, just as they come. I propose to pay them fair consideration if they will only be true to freedom. I propose to gratify all their aspirations for wealth and power, as much as the slave states can."⁴ This probably referred to the disposition that the Republican party, on coming into power, could make of its patronage; but it hardly seems like a high-minded allusion. Seldom, indeed, was it that Seward alluded to things quite so practical.

The nearer the victory of the new party was seen to be,

¹ *Cf. Globe*, 3d sess., 34th Cong., 153. ² *Works*, iv. 312. ³ *Ibid.* 373.

⁴ *Ibid.* 360.

the more moderate became Seward's tone. This is explained partly by the fact that aggressive work was now less necessary, partly by an undoubted feeling on his part that moderation might prove effective in counteracting what tendencies there existed toward disunion. In 1856, he had observed that the American people were under the responsibility not only of preserving the Union but also of making it serve the cause of justice and humanity, and that neglect of the latter responsibility involved the chief peril to which the Union itself was exposed.¹ In 1860, there was a change, not in spirit, but in emphasis. Said he: "There are few men—and there ought to be few—who would be so intent on the subject of establishing freedom that they would consent to a subversion of the Union to produce it, because the Union is a positive benefit, nay, an absolute necessity, and to save the Union, men may naturally dare to delay."² In a political speech which he made in congress in February, 1860, and which Garrison characterized as Seward's 'bid for the presidency,' he spoke thus to the senators from the slave states: "We are excluded justly, wisely and contentedly from all political power and responsibility in your capital states." "Use your authority to maintain what system you please." The north bore no ill will toward the south. They were all brethren. "We have never," said he, "been more patient, and never loved the representatives of other sections more than now."³

The Union was now becoming the leading subject also in Seward's mind, as it had formerly been with so many of the northern compromisers. While he considered the Union really safe by reason of the many bonds which held it together, he yet thought it possible that the slaveholders might, in a season of high excitement, secede from it, but believed that they would soon recover from their delusion and return.⁴ To this personal belief was added some of that exaggerated confidence in the future which the statesman seems to need for effective leadership. This circumstance made his views seem the more hopeful. A knowledge of these facts will aid towards a better understanding of the part that Seward sustained in the last congress before the war.

¹ *Works*, iv. 274. ² *Ibid.* 355. ³ *Ibid.* 633-36. ⁴ *Cf. ibid.* 248.

CHAPTER X.

IN THE LAST CONGRESS BEFORE THE WAR.

Before proceeding to consider the course that Seward pursued on the national question, at this critical period, it seems well at least to enumerate some of the other subjects of legislation that engaged his attention. He served for many years on the committee on commerce, and was much interested in the establishment of telegraphic communication between the Atlantic and the Pacific states, and between the United States and Europe. In 1857 he introduced a bill to carry out the plan of Cyrus W. Field for the laying of a cable, in partnership with Great Britain, between Newfoundland and Ireland. The plan was opposed by many as visionary, by others as likely, if carried out, to endanger the country in case of war with a foreign state. Seward spoke of the manifold benefits that would result, and predicted that the reality would far exceed the expectations.¹ The bill became law, and the plan was carried into execution; but its success was, for the time, of only short duration. On the question of tariffs, Seward was, by reason of his broad views of governmental duty, naturally a protectionist, but he took no very prominent part in such tariff debates as occurred during these years. The national independence and the home market arguments were chiefly touched upon in his remarks on the subject. When, in 1859, the subject of the acquisition of Cuba was introduced, by action of the committee on foreign relations, Seward, being a member of the committee, dissented from the majority's report in favor of that project. But he would not oppose the acquisition when it could be peacefully and honorably effected. This would depend on the coincidence of national opportunity and necessity, which he did not believe then to

¹ *Globe*, 3d sess., 34th Cong., 422.

exist.¹ It is noticeable that, in opposing the Cuba scheme, he all but omitted mention of its evident bearing on slavery. He thought it better not to use anti-slavery arguments when others might suffice.

Of all measures of legislation, however, aside from those involving the slavery question, none received more of Seward's attention than that of constructing a railroad to the Pacific. As early as 1854 he had been placed on a select committee of nine that was to consider this subject. In 1858, a bill was reported by the committee, of which W. M. Gwin, of California, was chairman, directing the president to invite propositions for the building of such a road from some point in western Missouri to San Francisco. Seward would have preferred a more northerly route, but he strongly supported the bill in debate, holding that the importance of the enterprise could not be exaggerated, that it would realize the discovery of the western passage that Columbus supposed he was making, that it was necessary for administrative purposes, and that it was especially important as a means of firmly uniting the extreme west with the rest of the Union. For his own part, he should have preferred to have the road built directly by the government, the means to be obtained by increasing the revenues and by employing the national credit.² This bill passed the senate in January, 1859, but failed to become law. Two years later another bill, providing for three roads, likewise favored by Seward, passed the senate; but the Pacific railroad question was not finally settled until after the opening of another era in our history.

For the time being, all questions but one were of secondary importance. The election of Abraham Lincoln, in November, 1860, was generally felt to betoken a change in the policy of the nation. The rapid ascendancy to power of a party whose policy was the territorial restriction of slavery marked a decided advance in northern sentiment. It was this advance and its moral tendency that disquieted the slave states rather than fear of actual encroachment on their domestic rights. Having exhausted all expedients for holding what they considered their own in the Union, the southern politicians wished their states

¹ *Globe*, 2d sess., 35th Cong., 539.

² *Ibid.* 1st sess., 35th Cong., 1585; *Ibid.* 2d sess., 35th Cong., 157-58.

to withdraw from it. For the taking of such a step, the reserved powers of the states were often held to afford the right, the difficulty of recovering fugitive slaves a reason, and the election of a Republican president the fit occasion. Accordingly, soon after the election, movements were initiated in several of the gulf states, looking toward secession. South Carolina provided for the meeting of a state convention on the 17th of December, by which body it was generally felt that secession would be initiated.

The national outlook was therefore gloomy when the second session of the thirty-sixth congress met, December 3d. Nor was the president's message destined to make the outlook brighter. Buchanan deprecated the slavery agitation at the north in the usual formulas, and while he argued against the right to secede, he likewise disallowed the right of employing force against a seceding state. The spirit of the message, though loyal, was weak and apologetic.¹ But such was not the spirit of the southern members of congress. Some of them spoke boldly in favor of secession, others more temperately. They seemed to have chosen their lot for weal or for woe, and if conciliatory measures were to be offered, they looked to the northern members to propose them. War they hardly expected, holding that the northern leaders well knew that they could not succeed in a war against the southern states. But if coercion should be attempted, then war would come, and they intended to prepare for it.²

In the early weeks of this congress Seward remained mostly silent on the national issue. On the 8th of December, he wrote: "I am, thus far, silent, not because I am thinking of proposing compromises, but because I wish to avoid, myself, and restrain other Republicans, from intermeddling, just now—when concession, or solicitation, or solicitude, would encourage, and demonstrations of firmness of purpose would exasperate."³ In another letter he wrote: "The ultra-Southern men *mean* to break up the Union, not really for the grievances of which they complain, but from cherished disloyalty and ambition. The

¹ *Globe*, 2d sess., 36th Cong., App., 1-4.

² Cf. Iverson, of Ga., and Clingman, of N. C., *Globe*, 2d sess., 36th Cong., 11-12, 723. ³ *Biography*, ii. 480.

President, and all Union men here, are alarmed and despondent. The Republicans who come here are ignorant of the real design or danger. I begin to see my way through, without sacrifice of principle."¹ From these expressions, as well as from others occurring in his letters of this period, it appears that he was aware that disunion influences were at work in the departments of the government, and that he was busily conferring and planning how to counteract them.

When, on the 20th of December, a senate committee of thirteen was appointed to consider the state of the Union, Seward was made one of its members. The most active members of the committee were naturally those from the border states. Crittenden submitted to it, two days later, a series of propositions of the nature of a compromise, the most important of which was the one relating to a division of the territories on the former Missouri compromise line. These propositions, in the form of an amendment to the constitution, were repeatedly urged upon the attention of the senate by their Union-loving author. But they found no favor with the Republican members, and were generally considered inadequate by those from the extreme south. The habit of compromising, however, had not been shaken off by the north. Though this particular attempt failed to meet their approval, they were not unwilling to consider other plans. This was the disposition especially in the house of representatives, where a Union committee of thirty-three members had been appointed. Here various propositions were made from time to time, with a view to appease the south. But the south would not now be appeased. The more radical men of both sections occupied at last the same ground in regard to compromises.

During this period Seward appeared in no wise like a radical. He opposed the Crittenden compromise, but in the committee of thirteen he submitted, at a suggestion from Lincoln, and with the consent of the northern members, a proposition that "the Constitution should never be altered, so as to authorize Congress to abolish, or interfere with slavery in the States." This was accepted. He submitted, in like manner, two other propositions, the one providing a trial by jury for fugitive slaves,

¹ *Biography*, ii. 478.

the other requesting congress to recommend to all the states a revision of obnoxious state legislation. But these were not adopted by the committee.¹

On the 21st of December, the day after the secession of South Carolina, Seward spoke on the political situation before the New England society of New York. His tone on this occasion was so moderate and pacifying as almost to convey the impression that also secession might have an apology. It was not strange, he thought, that one or more members of the federal family should, at times, become dissatisfied and wish to withdraw. But such a thing was unwise and unnatural; the states were always intended to remain together. As to the manner of treating the states that desired to leave the Union, he knew no better rule than that prevailing in the family—not to tease, threaten, coerce—that was just the way to get rid of a family. It was necessary to keep entirely cool and entirely kind. Time would allay the passions.²

In the debate on the Pacific railroad bill, in the early part of January, he remarked that this was a great measure of conciliation, of compromise, and of union. This bill provided for a northern and a southern route, and referring to it as exactly equal and just, Seward said: "It recognizes distinctly that which we are all required to recognize: that, owing to the peculiar conformation of the country and the habits of our people, there is one interest and civilization North, and another distinct interest and civilization South." "This measure equally provides for favoring the progress and development of the northern civilization, and that of the South."³ From one who had so long used his influence against the latter civilization, this seems, at first glance, like a singular statement. Nor was there much reason for supposing that the Pacific railroad enterprise could, under the existing circumstances, become a measure of conciliation and union between the north and the south. Seward did not, indeed, insist on this as the most important measure for the occasion. His general views of the state of the Union, with his suggestions as to what the situation required, were made known in a speech which he delivered on the 12th of January.

¹ *Biography*, ii. 484. ² *N. Y. Times*, Dec. 24, 1860.

³ *Globe*, 2d sess., 36th Cong., 250.

The fact that Seward was to be secretary of state in Lincoln's cabinet was now generally known. This, together with the fact of his being recognized as the leader of the party that was soon to come into power, made people exceedingly anxious to hear him. Many came from neighboring cities; the crowd was said to be the largest that ever collected inside the senate chamber.¹ Seward's speech on this occasion was a strong plea for the Union, and his arguments were such as might appeal to both sections. He began by affirming that he should adhere to the Union under all conceivable circumstances. He did not believe that it could be saved by debates on the powers of the federal government or on the unconstitutionality of secession. Nor did he think that congressional compromises were likely to save it. As to the employment of coercion, he observed that he did not know what the Union would be worth if saved by the sword. Yet he did not agree with those who advised unopposed separation. What congress, in his opinion, should do in the present situation was to redress, if it could, any real grievances of the offended states, and then to supply the president with all the means necessary to maintain the Union. But he desired the government to practice the utmost moderation and conciliation.

His specific views as to what remedial measures might be wise and expedient were substantially as follows: 1. Inasmuch as the constitution regarded slaves as bondsmen who might not be discharged from service by any law of the state into which they might escape, he agreed that all state laws which related to this class of persons, and which contravened the constitution or laws passed in conformity thereto, ought to be repealed. This might be a recommendation to repeal the personal liberty laws, or it might not, according to one's view of the constitution on this point. What impression Seward at this time wished to convey is easily inferred. 2. Slavery had by the constitution been wisely left to the exclusive care of the states; if it were in his power, he would not alter the constitution in that respect. This declaration and the preceding were merely iterations of propositions that he had submitted in the committee of thirteen. 3. Congress had full power of legislation for the territories; yet

¹ *N. Y. Times*, Jan. 14, 1861.

the question as to what laws should at any time be passed in regard to them was to be determined on practical grounds. He thought that after Kansas should have been admitted as a free state, the territorial question might be 'happily' solved by admitting the remaining territories as two states, provided that this were otherwise practicable and that reservations as to later subdivisions could constitutionally be made. This statement concerning the territories was so guarded as to be of little practical significance. The suggestion in regard to two states must be taken to mean that one of them might be admitted without any restriction with reference to slavery,—otherwise the suggestion would, under the circumstances, be meaningless. 4. If it were practicable, he would have preferred a course different from the one just suggested, namely, the calling of a convention when the present excitement had passed away, to consider the question of amendments to the constitution. 5. He remained of opinion that physical bonds, such as railroads, were more powerful for holding communities together than mere covenants.

In closing, he observed that, in expressing these views, he had not always suggested "what in many respects would have been in harmony with cherished convictions of [his] own." In political affairs men must be content to lead when they could, and to follow when they could not lead.¹

This speech was generally recognized as being conciliatory in tone and as likely to produce a good effect on the border states. But northern papers conceded that it would hardly have any marked effect on the disunion movement in the south. One paper thought that the conditional promise in regard to the territories amounted to very little,² another preferred that a bolder tone had been employed.³ To the more radical abolitionists the speech seemed to indicate a partial retreat from the previous anti-slavery position of the speaker. Wendell Phillips compared it to the 7th of March speech of Webster.⁴

In reality, the speech betokened no defection on the part of Seward. Aside from the rather doubtful appearance of his territorial idea, there was in it nothing that could be construed

¹ *Globe*, 2d sess., 36th Cong., 341-44. ² *N. Y. Times*, Jan. 14, 1861.

³ *N. Y. Tribune*, Jan. 14, 1861. ⁴ *Phillips-Pamphlets*, ii. 'Disunion' p. 6.

into a surrender of principle. Yet the pervading spirit was exceedingly conciliatory. During this session of congress Seward certainly went as far in the direction of compromise as a man of his record could consistently have done. Nor did he, to outward appearances, always maintain his consistency. He sometimes alluded to the southern interests in a gentle, forbearing tone that seemed hardly in accord with his bolder utterances of the past. But there was an important political reason for this change of tone. Seward wished to smooth the way for the incoming of the new administration. To gain time was his chief present aim, in the hope that time would bring a return of calmness and better reason to the southern mind.¹ This is the explanation of his present policy, and in the light of it his suggestions regarding remedies must be viewed. Thus, when he suggested a future constitutional convention, as he did more than once, he must have felt that, if such a scheme were to have any effect, it could at best be only that of delaying action in the border states. For he had early seen that the gulf states could not be arrested in their course by any reasonable concessions.² Nevertheless, he had strong hopes that these states could be recovered by peaceful means, and that the danger in which the Union was placed was only a passing one. He desired, therefore, that all action which might tend to emphasize or widen the separation should be avoided. When the question came up in the senate as to what record to make of the withdrawal of senators, Seward wished no record to be made of the matter. He thought the less there was said, the sooner it would be mended. "I hope," said he, "that the time will not be long before they will be here again."³ Conservative as was the Republican attitude, he thought that, for the object he had immediately in view, it was not sufficiently so. On the 13th of January, the day after he had spoken in the senate, he wrote: "Two-thirds of the Republican Senators are as reckless in action as the South. They imagine that the Government can go on, and conquer the South, while they, themselves, sit still and see the work done. Without compromising any principle, I have shown the disposition I feel, to put aside this evil."⁴

¹ *Biography*, ii. 497. ² *Ibid.* 485. ³ *Globe*, 2d sess., 36th Cong., 501.

⁴ *Biography*, ii. 496.

For averting the evil of disunion, Seward depended not on the healing influence of time alone, but on the efficacy of a change of issue. This change is noticeable in most of the remarks he made during this period. The Union was now his chief topic, not slavery in the territories. The general wisdom of this course, now that the party of slavery restriction had become victorious, cannot be doubted. But the territorial question had as yet by no means been settled; its settlement would depend upon the firmness with which the new party maintained its ground. When, therefore, Seward remarked in the senate, as he did after the admission of Kansas, that slavery in the territories had "ceased to be a practical question," since there were only twenty-four African slaves in 1,063,000 square miles of national territory,¹ he belittled the issue in a manner that did little credit to the creed of his party. His love of the Union was deep and sincere, and this partly accounts for his present inclination to make other issues seem trifling. "With the loss of the Union," said he, "all would be lost."² But could the Union be saved by guarded concessions and gentle words? If not, might it not have been well to have manifested more legislative energy even before the 4th of March? A responsibility for positive action in support of national authority rested also upon the shoulders of the existing congress. But the position of congress is partly to be explained by the undecided and expectant attitude of the northern mind. Even politicians who used to lead slackened their pace, and wished to refer matters to the people. Seward's mistake at this time consisted in his misjudging the determination of the south, and in his pursuing a course that tended to add to the feeling of false security that existed, to some extent, in both the south and the north. His mistake was therefore that of many, but greater because of his prominence. In so far, however, as his course might have been necessary to prepare the way for the peaceful organization of the new administration, its wisdom cannot be open to doubt. His emphasis on the Union alone tended, moreover, toward the important end of lifting the pending issue above mere party, and thus of drawing together the Union forces existing in all parties. In this manner, at any

¹ *Works*, iv. 674. ² *Biography*, ii. 507.

rate, he may have aided in preparing the nation for that struggle which he did so little expect.

During these anxious weeks Lincoln often conferred with Seward by letter as to the political situation in congress. On the 26th of December, Seward wrote that several, perhaps all, of the slave states would stand in a contumacious attitude on the 4th of March, but that sedition would constantly grow weaker, and loyalty stronger. Inauguration, he thought, would not be resisted.¹ Later he informed Lincoln that a plot was forming to seize the capital, and that it would be well for him to come earlier than usual, since the responsibilities of his administration must begin before the time arrived.²

The draft of the inaugural address was by Lincoln submitted to Seward for comment and criticism. While strongly approving its argumentative part, Seward advised the omission of certain paragraphs as likely to give an advantage to the disunionists. He counseled Lincoln to manifest the magnanimity of the victor, observing that something in addition to argument was needful, "to meet and remove prejudice and passion in the South, and despondency and fear in the East. Some words of affection. Some of calm and cheerful confidence."³ The most important changes suggested by Seward were these: 1. To omit the reference to the Chicago platform, with the announcement that the president would follow the principles therein declared. 2. Instead of a declaration of intention to reclaim and hold the places and property belonging to the government, to speak in general terms, and to hint rather at forbearance. The first of these suggestions Lincoln adopted. The second was adopted only in so far as he, at the suggestion of another friend, omitted the declaration of a purpose to reclaim property that had already fallen into the hands of the secessionists.⁴ The greater number of Seward's minor changes in the address were adopted, though in many cases not without further modifications by Lincoln himself. The beautiful closing paragraph owed its origin and much of its felicity of expression to a draft made by Seward.⁵

The session of congress was drawing to a close. The debates on the various compromise measures had been long but

¹ *Biography*, ii. 485. ² *Ibid.* 488. ³ *Ibid.* 512-13. ⁴ Nicolay and Hay, *Lincoln*, iii. 324, 328, 333. ⁵ *Cf. ibid.* facsimile, opposite p. 336.

unavailing. The Crittenden propositions, as well as the essentially similar ones submitted by the peace convention, which had met in February, were defeated in the senate, the former by the majority of only one vote. Both houses, however, had passed an amendment providing that the constitution should never be so amended as to authorize congress to abolish slavery in the states. But this last concession offered by the north to slavery was defeated by the succeeding events.

Seward's career of public service extended beyond this period. But his subsequent career had a unity of its own. The work to which his energies as a national statesman were mainly devoted had now, so far as he was directly concerned, reached its conclusion. That work was the preparation of the public mind to offer resistance to the aggressions of the slave power, and above all, the directing of such resistance to attainable ends. Others had perhaps done more to awaken an anti-slavery conscience at the north, but none did more than he to make the demands of that conscience politically effective. Herein consisted his greatest service to the cause of freedom. Slavery he sincerely hated, but as a public man, he was obliged to temper his hate to the degree allowed by the constitution. While generally bold in proclaiming his opinions, he was on occasion wary and reticent, and—with the best of motives—showed a certain fondness for political indirection. This made him liable to be sometimes misjudged by the more single-purposed champions of the common cause. He was not always free from mistakes in judgment and in policy, but throughout times the most trying, he remained ever faithful, ever hopeful.

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